

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**FOURTH DAY**

**FEBRUARY 7, 2006**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING**

**IN THE ROSE Y. CARACAPPA AUDITORIUM**

**VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY:**

**DONNA CATALANO, COURT STENOGRAPHER**

**LUCIA BRAATEN, COURT STENOGRAPHER**

**ALISON MAHONEY, COURT STENOGRAPHER**

(\*THE MEETING WAS CALLED TO ORDER AT 9:39 A.M.\*)

**P.O. LINDSAY:**

Mr. Clerk, call the roll.

**MR. LAUBE:**

Good morning, Presiding Officer.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. ROMAINE:**

(Not present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

(Not present).

**LEG. CARACAPPA:**

(Not present).

**LEG. LOSQUADRO:**

(Not present).

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

(Not present).

**LEG. MYSTAL:**

(Not present).

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

(Not present).

**LEG. VILORIA•FISHER:**

(Not present).

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Ten.

**P.O. LINDSAY:**

Rise for the Pledge of Allegiance, which will be led by Legislator Alden.

## **SALUTATION**

**P.O. LINDSAY:**

While we're standing, could we have a moment of silence for Correta Scott King.

## **MOMENT OF SILENCE**

**P.O. LINDSAY:**

Okay. We have a busy agenda today, and we will go right to the public portion. I'm sorry, I forgot the prayer. It's my pleasure to introduce Legislator Jack Eddington to introduce our the Reverend \\_Gloria Elena Adams\\_.

**LEG. EDDINGTON:**

It's my honor and pleasure the Dr. Reverend \\_Gloria Elena Adams\\_ First Baptist Church in the Gordon Heights. She is also a professor at the School of Social Welfare, Stony Brook, and she's well respected and loved in the community. She is accompanied today by her husband the Reverend Dr. Adams. So thank you.

**REVEREND ADAMS:**

Let us pray. The one and only God, the God of all, we ask you this day to bless this Legislative body, guide them and keep them, let their wisdom always prevail, that the people may benefit from their decisions. Bless, guide and keep them always and strengthen them, give them tremendous wisdom. All these things we ask, Amen.

**P.O. LINDSAY:**

Okay we have no presentations this morning, so we will go right to the public portion. Our first card is Peter Quinn. Mr. Quinn, you know the drill. You've got three minutes.

**MR. QUINN:**

Good morning, Members of the Legislature. I'm here to talk about school aid and real



property taxes, something that both County Executives have talked about they're going to remedy, except it's not within their jurisdiction. It's a state responsibility. And the reason real property taxes have risen substantially has not been addressed by the media, the real cause has been the State Legislature and the Governor.

Now, it's a constitutional responsibility of the state to fund public education. And the highest percentage ever was under Cuomo for a year or two in the 1980s when it was 46%. There are three funding sources; the Federal Government, the State Government and real property taxes. And the Federal Government generally provides five to 6% every year without fail. State has manipulated the process. They went from 46% at their highest in the 1980s. Then when the recession came, Cuomo reduced it to 41%. And then when Pataki took over, the amount of state aid to education fell to as low as 37% on average to the school.

What does that mean? That means that the Federal Government is providing 5% and the state is only providing 37%. It means that combined they provide 42%, and the state must pick up •• and the local school districts, the real property taxpayers have to pick up 58%.

I submit that there's a better solution than what either County Executive has proposed. And I concur with Newsday's editorial for once that one remedy is to provide a five year state plan where the amount that the state provides each year is increased by two to 3% until they reach 50%, which would be, in my view, their constitutional responsibility. They've got money for business galore, but they don't seem to have money for public education. They want to cut taxes and increase the state's debt. By the way, under Pataki, the debt has increased from 30 billion to now today \$48 billion, kind of like Bush. What we need is lower debt, more money for public education, and we will see real property taxes reduced as a result. Thank you.

**LEG. VILORIA•FISHER:**

Thank you.

**P.O. LINDSAY:**

Thank you, Peter. You left 19 seconds. That's unusual. Kevin McDonald.

**MR. MCDONALD:**

Good morning, Mr. Presiding Officer and Members of the Legislature. I'm Kevin McDonald. I serve as Director of Public Lands for the Nature Conservancy on Long Island. And the Nature Conservancy would like to go on record in support of resolution 1068, to create a Charter Law creating the Department of Energy and Environment. A simple reason for supporting this initiative is that coordinating an aggressive land acquisition program, a restoration of harbors and bays and a host of other environmental issues facing the County, we believe is best handled and actualized by having a dedicated department without the distractions of other functions that would enable the will of the public as it relates to environmental issues to be realized. Accordingly, we urge you to pass this resolution, and thank you for the opportunity.

**P.O. LINDSAY:**

Thank you, Kevin. Next we have Anita Fleishman.

**MS. FLEISHMAN:**

Good morning.

**P.O. LINDSAY:**

Good morning, Ms. Fleishman.

**MS. FLEISHMAN:**

I am the Executive Director of the Pederson•Krag Center as well as Vice•Chair of the Suffolk Coalition of Mental Health Service Providers. That is the hat that I'm wearing today to speak to you very briefly about a concern of ours that seems to be annual concern, which is that of prompt contracting.

Each year for as many as I can recall, your contract agencies and County agencies have had to wait an inordinate amount of time for their advances and for their first quarter monies causing many agencies to have to borrow down if they are able to on a line of credit for which interest is not reimbursed. That has become a major issue. And this year there are two issues that are attached to it that might even further complicate this problem.

The first is that this is a new year for contracts. So the four contract or the three year program that it was under before, so all new contracts being written up, which, of course, delays the whole process altogether. And the second is that a lot of your County contract agencies are converting to a Medicaid Program called Pros, which is really reorganizing the delivery of service altogether and will have a tremendous impact because it's all Medicaid billing that we're going to be depending upon for revenue.

So between those two items and the usual delay in our contracts being signed and our monies coming to us, we beseech this body to please ensure that we receive our monies in a more timely fashion this year than we certainly have in many of the previous years.

Thank you.

**P.O. LINDSAY:**

Thank you very much. Bill Berrien.

**MR. BERRIEN:**

Good morning. I'm Bill Berrien, I'm here representing the Coalition Against Airport Pollution in the greater Westhampton Gabreski area. Just as note of introduction, the coalition works with the community groups in communities surrounding Gabreski Airport to try to ascertain that appropriate development takes place at the airport, both in the 58 acre planned development district and on the airport property itself as far as aviation goes.

We are here to speak about the Long Island Jet lease application, which was granted or at least there's a pending negative declaration on this. We are •• we are here to ask that you turn down this negative declaration and subject •• and subject this application to a full environmental review. This is a very fragile ecosystem that the airport rests on, part of the Pine Barrens. There have been contamination sites on this property in the past and probably still are.

Further expansion of aviation activity could be very detrimental to the •• to the ecosystem that exists there. This is to say that we are not opposed and would approve a judicial development •• judicious development of the 58 acre planned development site as a means for the County to offset some of the losses that they are presumably realizing on the airport itself. So I again thank you for your attention. I have left a formal piece on this in each of your mailboxes. Thank you.

**P.O. LINDSAY:**

Thank you. Paul Dietche.

**MR. DIETCHE:**

Paul Dietche. Just as your last speaker, my subject also is Gabreski Airport. And I'm also a member of CAAP, Coalition Against Airport Pollution. In recent months, I visited eight other airports in the New York•New Jersey area and would like to say that in my judgement, Gabreski is unique. In particular, the airport has a modest level of activity and an intense development of neighborhoods in the vicinity.

There is no evident pressing need for jobs or tax revenue in the area. Anything other than slow and deliberate growth in airport activity would surely bring on environmental pollution and worsen already difficult traffic congestion. It is imperative that airport management, County Legislators and the FAA carefully and sensitively review all airport applications particularly for jet traffic services, keeping in mind the growing communities in the Gabreski area. I urge you to vote no to IR 2002•05. Thank you.

**LEG. VILORIA•FISHER:**

Thank you, sir.

**LEG. VILORIA•FISHER:**

Michelle Isabell Stark.

## **MS. STARK:**

Hi, good morning. I'm here to talk about IR 1136 and to answer any questions you may have. 1136 is a resolution to accept and appropriate excess revenues received for the 2004 Hotel•Motel Tax and funds recaptured by a settlement. The first part of this, the Hotel•Motel Tax, in your third whereas clause of the resolution you can see that pursuant to Chapter 327•14 of the Suffolk County Code, these revenues are distributed among three entities; Office of Cultural Affairs, the Department of Economic Development and Workforce Housing gets half of one•third, the Parks Department for their historic services function also gets half of one•third, and the two•third goes to the Tourism Promotion Agency, which in 2005 is the Long Island Convention and Visitors Bureau.

The Office of Cultural Affairs is working very diligently to promote cultural tourism in Suffolk County and that also includes downtown revitalization, because we believe that having cultural assets in a downtown community increases the dwell time of visitors to that community, which increases their spending in that community on restaurant and stores and other activities. So if you look at the backup material, Exhibit A, it shows how we in the Office of Cultural Affairs are going to use our portion of that •• of those excess funds.

In the first Resolved you can see how the other money is appropriated between Parks and the Long Island Convention and Tourist Bureau, which is pseudo code 4980. The other part of the this to appropriate the recaptured funds from the settlement from the Long Island Convention and Visitors Bureau. Last year, the County Attorney both in Nassau and Suffolk negotiated a settlement with a Long Island Convention and Visitors Bureau, which resulted in \$70,000 from the Visitors Bureau to both counties.

Suffolk County got \$42,000 of that 70,000, and Nassau got \$28,000. We decided to take that funding, the 42,000, and use it for, number one, to get equipment to do some mapping of public art and •• throughout the County, which also has a nice tourism

component to it. And the 37,000 is going to our new Film Commission to promote tourism and to create film programs that both will enrich people in the County, but bring in tourists. And they actually have a very exciting program that they're unveiling May 11th, 2006, at the Cinema Arts Center called First Exposure, which is going to take the best of high school students' work and put it in a festival-type atmosphere and have, you know, celebrity judges and things of that nature. So that's what this is about. If you have any questions, I'll be happy to answer them.

**LEG. VILORIA-FISHER:**

Thank you, Michelle.

**P.O. LINDSAY:**

Thank you Ms. Stark. Commissioner Jim Morgo.

**COMMISSIONER MORGO:**

Good morning. It's a pleasure to be here. This is my first time before the full new Legislature. I'm really here to take a moment to make a request to you. I would like you to consider tabling for one month Introductory Resolution 2022, making a SEQRA determination in connection with the lease for LI Jet at Gabreski Airport. My request is made because what we have here is a procedural putting the cart before the horse. Your consideration today of the Council of Environmental Quality's recommendation of non-significance and negative dec, while done with analytical comprehensive and professional expertise by the CEQ, is premature. And I want to repeat that subordinate clause, while done with comprehensive analytical and professional expertise.

I'm only asking that you table it, because a court order requires the Department of Law to

submit a proposed Long Island Jet lease to the Legislature for consideration upon Long Island Jet meeting and satisfying certain conditions. LI Jet has not met those conditions as of yet, and law •• the Department of Law •• not Kevin •• the Department of Law is still considering the lease.

I want to make two other points as well. My department is very extremely responsive to the neighbors of Gabreski Airport. You heard from two this morning. We have been meeting with those two gentlemen and others. We have made it a point to listen to their concerns and to address them. We have meeting scheduled this week and later this month. This table •• this tabling will allow those meeting to progress in a conciliatory fashion. It's never a bad idea, as you all know, to listen to neighbors.

That being said, this requested tabling should not be in any way seen as a disagreement with recommendations of the CEQ. In fact, it was my department that suggested having CEQ make the SEQRA recommendation to you, because it was felt that the CEQ has far more expertise, environmental expertise, than does the Airport Lease Screening Committee. So what I'm asking simply is a procedural tabling of the CEQ recommendation to you for one month. Thank you.

**LEG. VILORIA•FISHER:**

Thank you, Jim.

**P.O. LINDSAY:**

Thank you. Peter Caradonna.



**MR. CARADONNA:**

Good morning. First, I'd like to recognize my Seventh Grade Social Studies teacher, Legislature Ed Romaine. It's quite amazing that he turned me into the trouble•maker I am, and Jay as well as a graduate Hauppauge High School.

**P.O. LINDSAY:**

Peter, your time is up.

**MR. CARADONNA:**

I'm glad we got a laugh going this morning. I represent the US Green Building Council, Long Island Chapter, and I'm here to speak and urge to pass IR 1028, Leadership in Energy and Environmental Design Program, for putting forth LEED into Suffolk County buildings. The Green Building Industry is something that's up and coming. I'm sure future taxpayers in Suffolk County will be thanking you for doing something like that. This is about life cycle costs in buildings. This is about creating healthier buildings. And essentially what Green Buildings are is just best practices.

Often enough as an architect when people come to me and they say, well, I've designed a building and it's built to code, I look at them in kind of a sly way and say, well, you've done the least you could do before you've broken the law. Especially when it comes to energy and the health of individuals within the buildings, we really need to start to take a look at some of the things we do. When create a building, when we seal it in, create the energy efficiencies we need, we have to definitely take a look at some of the materials and what we're putting into it as well as recycled content.

It's interesting, I have here the Green Building Smart Market Report for 2006. It calls

Suffolk County a hot bed for Green Buildings. I have to kind of laugh at that, because looking at the rest of the country, the rest of the country is about three years ahead of Suffolk and Nassau County. When we first proposed this three years ago with Legislator Fisher, we were on the cutting edge. Now we have a long way to catch up. And Nassau County is just getting on board with this as well. So as a chapter that supports 120 members, I'm here to urge you all to pass IR 1028. Thank you.

**P.O. LINDSAY:**

Thank you. William Stoner. William Stoner. One last try, William Stoner. Paul Hushin. No Paul Hushin either, okay. One last time, Paul Hushin. I know I'm going to mess this one up. Karen Boorshtein. Karen Boorshtein. Gee, the breakfast must have been so good they left. Paul Arfin. Paul Arfin. I have a feeling there's another meeting going on somewhere. Marian Zucker. I know she is here.

**MS. ZUCKER:**

Good morning. I'm here today to speak in favor of IR 1084 and to answer any questions you might have. This resolution allows us to move forward with the appraisal process for a site that we believe is a strong and appropriate candidate for the county's Workforce Housing Land Acquisition Program. The site is a 7.4 acre parcel in the Hamlet of Mattituck. It is one of the sites submitted by the Town of Southhold to the Workforce Housing Commission for its consideration.

The site is one half block to the local supermarket, barely a quarter mile to a local •• major local employment center of North Fork Bank, and a half mile to the Mattituck Hamlet Center. The site has been identified several times over by many local groups as an appropriate sight for workforce housing, including the Mattituck Hamlet Stakeholders Group.

The details of the ultimate development will be worked out in the next several months. And assuming you support on this resolution today, I hope to be back to you with those details and a final acquisition resolution by the end of the summer. This is the fifth site to progress to this point Workforce Housing Program. I think it's a great opportunity, and I encourage your support. And I'm here to answer any questions you may have.

**P.O. LINDSAY:**

There are no questions allowed on the public portion, Marian. If we have any questions when we start debating the issue, we'll call you back. Thank you. Cheryl Felice.

**MS. FELICE:**

Good morning. As the President of the Association the Municipal Employees, I just want to reiterate my comments in committee last week that AME stands in favor of IR 1122 to lease the premises at 200 Wireless Road. This is necessary to replace the facility at 1140 Motor Parkway, a facility that is in complete disrepair and desperately needs attention. So we strongly encourage your support for 1122.

We also want to remind you that we stand in favor of IR 1068, creating the Department of Environment and Energy. We believe that the County is on track and aggressively pursuing an energy efficient government, and we support that Charter Law. We stand against IR 1069, the Charter Law to create a consolidated Department of Audit and Financial Management. We see no apparent reason for calling for this merger as the former County Treasurer, John Cochrane said, there is no public criticize of the Department of Taxation and Finance.

We also know of no such criticism with the Comptroller's Office or of our dedicated and competent members and workers there. It seems that maintaining a separate entity for auditing, borrowing and investing taxpayer dollars is a more prudent way to management Suffolk County's resources.

And then finally, we stand in favor in theory of IR 1070, a Charter Law to promote honest budgeting and efficient operation of government. And this is to fill the vacancies that exist in the County government, because of •• because we have to consider that given the fact that many agencies have an inability to achieve their authorized head counts, the Legislature needs to insist on a hiring plan and status report on all SCIN forms and progress made in this area. Vital positions are allowed to remain vacant and services, therefore, are not delivered, and our members can no longer do more with less. So we ask that you look for a compromised measure, because we do, as we said in committee, think that eleven •• this that 1070 goes a bit too far in its legislation, but there does need to be a happy medium in filling the vacancies where critical issues remain outstanding. Thank you very much.

**P.O. LINDSAY:**

Thank you, Cheryl. I have no more are cards. Is there anyone else in the audience who would like to speak under the public portion? I'll accept a motion to close the public portion. Legislature Caracappa made the motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Carried. Consent Calender. I accept a motion. Motion by Legislator Schneiderman, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? Carried.

**MR. LAUBE:**

**P.O. LINDSAY:**

Introductory Resolutions •• we have two resolutions tabled until the February 7th meeting.

**1022. Authorizing the sale, pursuant to Local Law 16•2976, of real property acquired under Section 46 of the Suffolk County Tax Act NY State Realty Associates, INC.**

Do I have a motion?

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Legislator Montano, seconded by Legislator Horsley. On the question, all in favor? Opposed? Abstentions?

**LEG. CARACAPPA:**

Opposed.

**LEG. BARRAGA:**

Yes.

**P.O. LINDSAY:**

One opposed, Legislature Caracappa. Any other opposition?

**LEG. BARRAGA:**

Yes.

**P.O. LINDSAY:**

Legislator Barraga.

**MR. LAUBE:**

16.

**1024. To establish a "Safe Communities Initiative" Task Force to study the expanded use of security camera systems to deter crime and assist law enforcement efforts in high-crime areas.**

**P.O. LINDSAY:**

Legislator Cooper, what's your pleasure?

**LEG. COOPER:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion to approve, seconded by Legislator Vilorio•Fisher. On the question, all in favor?  
Opposed? Abstentions?

**MR. LAUBE:**

18 •• 17. Sorry.

**P.O. LINDSAY:**

Okay. We go to Introductory Resolutions.

**1079. Amending Resolution No. 1263•2005 and Resolution No. 1264•2005 for the town portion of the 2005•2006 Tax Levy for the Town of East Hampton (PRESIDING OFFICER).**

I'll make the motion, seconded by Legislator Schneiderman. Any discussions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**1080. Authorizing amended Tax Warrant for the Town of East Hampton (PRESIDING OFFICER).**

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, I'll second that. On the question? Yep, Legislator Alden.

**LEG. ALDEN:**

Maybe Budget Review would know the answer to this. Why did this happen as far as that we have to amend it?

**MS. VIZZINI:**

I believe this is based on update numbers from the town or possibly related to erroneous assessments.

**LEG. ALDEN:**

So we lost in court as far as their tax cases?



**MS. VIZZINI:**

I don't know about any litigation. Let me check the hard copy.

**LEG. ALDEN:**

Okay.

**P.O. LINDSAY:**

Anyone else on the issue? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**1093. Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer (COUNTY EXEC).**

**P.O. LINDSAY:**

Do we have a motion? Motion by Legislator Montano, seconded by Legislator Losquadro. On the question? Hearing none, all those in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**1134. Amending the Operating Budget to implement funding more efficiently within the Suffolk County Department of Health Services (COUNTY EXEC).**

Do I have a motion?

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning, seconded by Legislator Vilorio•Fisher. On the question, Legislator Romaine.

**LEG. ROMAINE:**

I had a question about the tobacco money. I see that it is being moved around, and I just want to be assured that the tobacco money is still being used for educational purposes.

**P.O. LINDSAY:**

You want to address that question to someone in the Executive's Branch of

Government?

**LEG. ROMAINE:**

That's why I raised the question, sir.

**P.O. LINDSAY:**

Mr. Zwirn, you want to answer that question?

**MR. ZWIRN:**

It's a grant, that tobacco fund, and it's staying intact. It's not being moved anywhere.

**LEG. ROMAINE:**

Then we're still spending the money for educational purposes?

**MR. ZWIRN:**

That I don't know the answer. I'd have to ask the Health Commissioner. I don't know personally.

**LEG. ROMAINE:**

Could I •• does Budget Review have a comment on that?

**MS. VIZZINI:**

Just that the only change in the appropriation number itself, it's going from 4019 to 4009. And your question is whether we're using it •• we're using it under the conditions of the enforcement grant.

**LEG. ROMAINE:**

Yes, that's correct.

**MS. VIZZINI:**

It's the same amount of money, it's just going to a different appropriation.

**LEG. ROMAINE:**

Thank you.

**P.O. LINDSAY:**

Does that answer your question, Legislator Romaine?

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

along the same vein of thought, most of the tobacco money settlement •• or settlement money that we get doesn't go to even the Health Department. And I would address that question to Budget Review. I think most of it goes into the General Fund. Maybe you could give us a sense of how much money goes into the General Fund and how much actually goes to cessation programs or tobacco related programs.

**MS. VIZZINI:**

I don't have the total amount that we receive in terms of the tobacco monies, but I can tell you what goes to the tobacco program in the Health Department. Give me a minute.

**MR. ZWIRN:**

Mr. Presiding Officer.

**P.O. LINDSAY:**

Yes.

**MR. ZWIRN:**

If I might. I maybe be able to lighten this. The Budget Office •• this money in particular is not used for education, but for sting operations where they send in enforcement •• they send in somebody under age to see if they can purchase cigarettes from a retailer.

**P.O. LINDSAY:**

I know, Legislator Alden, you have a question that isn't really germane to this, can we move on and they'll get back to you with your answer?

**LEG. ALDEN:**

Absolutely.

**P.O. LINDSAY:**

Is there any other question specific to this resolution? If not, all those in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**1136. Accepting and appropriating excess revenues received from 2004 Hotel/Motel Tax and funds recaptured via settlement (COUNTY EXEC).**

**LEG. ALDEN:**

Motion to approve.

**LEG. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Alden, seconded by Legislator Viloría•Fisher. On the question, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**1148. Amending the 2006 Operating Budget to strike \$103,053,848 in excess 2006 retirement appropriations (COUNTY EXEC).**

Do I have a motion?

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, seconded by Legislator Alden. On the question, Legislator Romaine.

**LEG. ROMAINE:**

Yes. My question would be directed to Budget Review. I assume we're striking this appropriation because we paid this amount in December to the retirement system; is that correct?

**MS. VIZZINI:**

That's absolutely correct. The monies were budgeted in the 2006 Operating Budget, but at the recommendation actually of the Budget Review Office and in cooperation with the Budget Office, we had the cash available and the legal authority to make the payment in 2005, therefore, we did that.

**LEG. ROMAINE:**

My next question is of this 103 million that we're striking today, how much of that real money that we're striking. How much of that is General Fund money?

**MS. VIZZINI:**

It's roughly 64 million.



**LEG. ROMAINE:**

Sixty-four million dollars. Now, my understanding is that we have to fund the jail, we have \$7 million for \$24 million worth of capital projects that have been proposed. So we have a shortfall, I would say, where we're going to have to certainly scramble at some point to look for Capital funds. If we moved some of this money into a pay-as-you-go capital project, including the 42 million for the jail and some of the 24 million of the capital programs that are suggested, how much could we save roughly, approximately, ballpark in terms of bonding costs, interest costs, etcetera if we did that? And I'm not asking this question out of the blue, obviously I've spoke to one of your staff members about my inquiry.

**MS. VIZZINI:**

We're having technical problems viewing the answers. However, your question is •• these are appropriations, so it is possible that you have authorized appropriations here, you do not have to strike them. However, the more of these appropriations that we use for other purposes, be they good purposes and be they purposes whereby we might be able to pay something in cash rather than bond it, it could have implications on other aspects of the budget.

**LEG. ROMAINE:**

I understand it could have an implication in terms of the fund balance, but my concern besides the fund balance is how much could we save in interest costs if we converted some, not all, but some of this money, to a pay-as-you-go for our Capital Program in terms of long term debt? Because it is my understanding, and I may be wrong, but it is my understanding that we actually save more than we would appropriate in terms of interest costs for long term debt, and it would be a much great savings to this County in the long run.

I mean, I'm raising these questions because I feel that the Legislature should consider that issue before they strike this appropriation, because by moving some of this to pay•as •you•go Capital Program, we're going to have to come up with money, I think 42 million this year alone for the Capital Program for the jail. That money has to come from somewhere. There are \$7 million set aside for \$24 million worth of approved Capital Programs, there's a storage there, so I'm just suggesting that maybe Budget Review, maybe the members of this body may want Budget Review •• table this resolution, do a report on our options so that we know what our options are and where the greatest savings lie for the general public.

**MS. VIZZINI:**

Well, you're absolutely right. Anything that we can pay in cash, we will save on bonding indebtedness. The rule of thumb that we typically use is for every \$10 million that we have to bond, there's a million dollars in debt service. And for every million dollars on the General Fund property tax levy is about a dollar•eighty on the tax warrant.

**P.O. LINDSAY:**

Legislator Caracappa.

**LEG. CARACAPPA:**

Thank you. Gail, wouldn't this have •• I think Legislator Romaine's idea is something worth looking at, but wouldn't it throw the warrant and the levy completely out of whack, because we're basically double taxing in the Year 2006?

**MS. VIZZINI:**

The reason we recommended that the appropriations be struck is because you need to look you need to look this•• you need to look at what we call the structural balance between the 2005 Budget and the 2006 Budget. In practical terms, the funds balance, the money that was left over in 2005, in some purposes was used to back up the appropriations necessary to pay the retirement bill. And what we did is rely upon that to cover us to make the payment in 2005. We eroded the fund balance in simple terms.

That same balance on paper was used to offset the fact that we didn't have to increase the property taxes by the \$119 million. So from a structural integrity point of a view and from looking at in 2005 and 2006, we would recommend that this is the appropriate thing to do.

**LEG. CARACAPPA:**

Thank you.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I just want to make sure I understand this. At the end of last year, we took reserves and we used it to pay an expense that we anticipated in this year; is that correct, in excess of \$100 million? And I guess really my question assuming that that understanding is correct, is this something that's anticipated is going to happen every year so that at the end of this year we take our surplus, because we've taxed public and we're collecting sales tax revenues in the budget for this appropriation that we're not going to spend? Are we going to do this again at the end of this year for next year, is this an ongoing

rolling project is my question?

**MS. VIZZINI:**

We did it this year which paralleled what we did the prior year. And I believe that this will be •• you know, this •• 2005 was the last year that we could do this. It all started when the pension costs and the Medicaid costs escalated. And if you recall, we thought there was going to be a major shortfall in 2004. The County Executive and the Legislature collaborated, we did a resolution, we came into savings, what have you. At that point, the state said, okay, I'll cut you guys a break, you don't have to pay your retirement bill for '04 until we get into '05, February. But we were in such a positive position that we were one of the few counties that actually could have made that retirement payment with the appropriations that we had available and then we had to check and see did we, in fact, have the cash, and lo and behold, we did have the cash.

So we did this in 2004. As a result, if you recall, we saved a million dollars, because if you were one of the few counties that could in fact pay your '04•'05 bill in '04, they cut you a rebate of a million dollars as opposed to delaying to February of '05. We did not know •• so we figured we would do the same thing, parallel it as closely as possible for 2005. However, it is becoming difficult to keep track of because the financial statements look different than the budget and it does require quite a bit of explanation. So we will be in discussions with the Budget Office in terms of how we are going to approach this in the future and what we're going to be putting in the 2007 Operating Budget. But I think it's going to come to an end.

**LEG. SCHNEIDERMAN:**

At that end, is there a large surplus at some point when we don't move it out of that particular year, will there be a buildup of 64 million or \$100 million, or it's not going to exist?

**MS. VIZZINI:**

You would get •• the General Funds, as I said, it's about the 64 million plus monies, you could get a one time benefit if we do not pay it until February of the next year. But we also are concerned with the structural integrity over the two years and that we want things to begin to line up a little better.

**P.O. LINDSAY:**

Before I recognize Legislator Alden, I just have a question. First of all, did we by paying it early again this year, did we gain the million dollars again?

**MS. VIZZINI:**

Absolutely.

**P.O. LINDSAY:**

Okay. And second of all, if I could just rephrase what you said so that I think I can understand, so the fund balance at the end of the year, we used most of it up to pay this bill early.

**MS. VIZZINI:**

In a practical way, yes. I think that's the easiest way to understand it and, therefore, these monies should be stricken, these appropriations should be stricken to make it equal over the two years.

**P.O. LINDSAY:**

And just the last thing, you were asked do you anticipate fund balance at the end of this year, how would you know that really? I mean, we don't know, you know, we're in February what kind of year we have ahead of us.

**MS. VIZZINI:**

Well, don't forget the fund balance is calculated based on what was adopted and what is actually spent. So these appropriations will be considered part of the adopted number so we know that they will •• this will contribute to part of the fund balance. But we are also going by, you know, past practice and the fact that we have become very dependant on the fund balance.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

In '04 or '05, did we have to borrow money to pay our retirement?

**MS. VIZZINI:**

Only between funds. As a matter of fact, this year we actually borrowed \$40 million from the Tax Stabilization Reserve Fund and returned it.

**LEG. ALDEN:**

And as the Presiding Officer is going into a little bit of a line of fund balance for this year, this 103 million goes directly to the fund balance, doesn't it?

**MS. VIZZINI:**

It's part of the fund balance calculation, because these are adopted appropriations and they will not be spent, but they will be struck. If they are spent, even if it's for a good purpose, then it will take away from the fund balance.

**LEG. ALDEN:**

Right. But what we're doing today if we strike this, if we vote to strike this and it gets signed by the County Executive, that's a start of \$103 million in the fund balance for next year or at the end of this year.

**MS. VIZZINI:**

Don't forget we used last year's fund balance to pay this. So this is tantamount to putting that money back.

**LEG. ALDEN:**

Well, it's tantamount to that, but it's an appropriation. So when you strike an appropriation, you know, now you've got a fund balance, you didn't spend that money, it's in the budget of \$103 million. So this would actually start •• you know, the fund balance for next year would be getting off on \$103 million plus side.

**MS. VIZZINI:**

Right. Which is why we have to look at it •• the budget people have to look at it over the two years, that's why it was okay to do it if you looked at it over the two years. In the 2005 we struck the appropriations that were in the 2005 budget because we paid the retirement in '04. So the only way we would agree •• the budget people would agree was to do it the same way we had done it last year.

**LEG. ALDEN:**

Okay. Now, did you look at a model that would include something, as Legislator Romaine said before and I've been saying for a couple of years? We've got to wean ourself from that fund balance, because that's an unhealthy way to run government. Could this fit into some way of starting to weaning ourselves from that fund balance by not striking all of this and taking some of these appropriations and spending cash on them? And I know the jail isn't going to spent \$40 million. We don't have that much in

construction for the jail this year. About \$10 million in construction really what is called for. But even that much towards a cash reduction of capital bonding might end up in savings in the future and also lead to weaning from the fund balance.

**MS. VIZZINI:**

It's a policy option, but from a budgetary point of view, we have a deficit if we use the 2005 fund balance to provide us with part of the authorization to make the payment in 2005. So we see this is as necessary step to make sure we don't have a deficit.

**LEG. ALDEN:**

Okay. Are you working on a plan to reduce our reliance on turning out a huge fund balance, and that would be in conjunction with the Budget Office?

**MS. VIZZINI:**

Well, we certainly are talking with the Budget Office vis a vis the budget model. It's the County Executive who will administer the budget and craft the budget in the manner in which he sees fit. And we •• as you know, we are constantly bringing to the policy makers' attention our reliance upon sales tax and our most recent reliance upon the fund balance.

**LEG. ALDEN:**

Because the funds balance •• you know, you're deceiving the public when you turn 150 or 110 or \$120 million worth of fund balance, because you're putting money in the budget that you're not •• you know, sometimes there's no intention of spending it and taxing people on that •• you know, on that, I guess, anticipation, and then all of a sudden, turning around at the end of the year and saying, well even though we told you and taxed you, you know, here's \$140 million we're going to use to offset next year's budget. So that's not really the most transparent way of doing government or the least deceptive way of doing government. So I would hope that somebody is going to come up with a plan. And whether we can use this, or if this doesn't fit in the plan, I guess that's what you're saying pretty much, it doesn't, I hope we would come up with some kind of plan to stop ourselves from using a deceptive type of budgeting.



**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Gail, let me give you an analogy. Someone has a savings account and they let that savings account build up. In this case although it's 103 million, you and I both know it's about \$64 million of real money. We have a savings account, but we also have credit card debt. And what we'd like to do is take a little bit of our savings account to pay down out credit card debt so we don't have those finance charges, is that an inept analogy that I just made, if we take some, not all, but a portion of this money and that, would that be an analogy that would hold up?

**MS. VIZZINI:**

The part of your analogy that holds up is it's always better to pay in cash then to use that credit card. The problem is in savings account that 64 million is not really there, because you actually used that for another purpose.

**LEG. ROMAINE:**

Okay. If we paid this •• if we were going to pay this debt in February with this \$103 million, but instead we paid it in December, how is this money not there except for at the end of the year for the fund balance that the County Executive could carry over to the following year? See, My concern is we have an opportunity to analyze this and maybe take •• before we strike the whole appropriation, take a small portion of that and try to pay down either long term debt or pay for capital projects that we know are going to come this year and pay for it in cash and avoid finances charges.

I'm trying to put it as simply as I can so the analogy is struck that we have that opportunity to do that and not fundamentally disable our financial structure. I'm not looking to do that, I'm looking to see if there's an opportunity to take five, \$10 million of this money, not a great amount, but do an analysis of that and see what that would do to the fund balance, to the structure of the budget, the Operating Budget, the Capital Budget and take a look at the interplay there.

And I think Legislator Alden is absolutely right, this is a County that's addicted to sales tax revenues. And we've had constant growth, but I remember the years when we had a yo•yo situation with sales tax. And we're addicted to funds balances. And while fund balances are not a bad thing, in fact they're a good thing, we also have long term debt that's out there and capital projects and things like the jail that are coming up that are going to require funding. And I'm just taking a longer view of this. Thank you.

**P.O. LINDSAY:**

I have •• but I'm going to exercise the prerogative of the Chair and ask the Exec's representative, Mr. Zwirn, to weigh in on this.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. The County Executive would urge you to pass this resolution and not leave this money standing around for offsets for other spending in 2006. The way the budget has been structured over the years is that the fund balance •• the fund balance goes back to the taxpayers. And this year we're going to have to a fund balance, and I believe BRO can correct me, around \$120 million has to be in the fund balance at the end of this year in order to keep taxes stable. So when you start playing around and reducing the fund balance or putting stress on the funds balance or trying not to come up with those savings over the course of the year, then that's going to relate into

a tax increase for the taxpayers of Suffolk County. It's that simple. The fund balance isn't just put away somewhere, I mean, that goes back to the taxpayers. It's not impounded. Again, it keeps taxes stable. And the number this year is an extraordinary number, \$120 million.

**P.O. LINDSAY:**

Thank you. Legislator Horsley.

**LEG. HORSLEY:**

Gail, I just had a quick question. The retirement pension cost to the County are reflected through the stability of the pension plan up in Albany. We've seen that there's been tremendous growth over the last couple of years, stocks weren't doing that well. Now that stocks are rebounding to some degree, do we anticipate these costs to be continually rising? What is your, you know, short •• with a short answer, are these cost going to continue to rise or what are we looking at this point?

**MR. REINHEIMER:**

We had received some information this past week that the •• because of those reasons, the retirement rates are coming down from about 13% this past year to 10.5% for the coming year, which would hit the 2007 Operating Budget, and that's from the State Comptroller's Office.

**LEG. HORSLEY:**

So then the cost would decrease to the County •• the County bill would be smaller in the next couple of years.

**MR. REINHEIMER:**

Well, we have increases in projected salaries. So the short answer is that retirement costs should be pretty stable. They're not increasing, but increases in salaries does impact the increase or the cost for retirement.

**LEG. HORSLEY:**

So they're going to be static, our costs are going to be static. That was the answer I was looking for. Thank you.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Just a quick clarification. By striking this appropriation, then we are in effect replacing funds •• this fund balance that was used last year to pay the pension costs early in order to accrue the million dollar payment, is that accurate?

**MS. VIZZINI:**

That's the most straight forward way of looking at it.

**LEG. D'AMARO:**

Okay. And although we can talk about a budget structural problem with fund balances, this particular bill is not the mechanism to start to cure •• if you view that as a problem to cure that problem. This is really just simply replacing funds that need to be replaced because they were borrowed last year from the other fund balance.

**MS. VIZZINI:**

There are a lot of good points made in the discussion, many of which we continue to address in our report in terms of policy options on what to do to address the budgetary concerns, the short term and the long term look. It's a policy option whether you want to consider these appropriations as the beginning of addressing some of those ••

**LEG. D'AMARO:**

Wouldn't that create, as you said earlier, a deficit in the budget, which I believe legally we're not allowed to maintain?

**MS. VIZZINI:**

Well, it will create a problem. Unless you do this, there really is a deficit over the 2005 •2006.

**LEG. D'AMARO.**

So then this is really just step two to step one that was taken earlier and maybe this is not the vehicle we should be using to debate whether fund balances are good or bad or whether they should be eliminated or not.

**MS. VIZZINI:**

That's a logical conclusion.

**LEG. D'AMARO:**

Thank you.

**P.O. LINDSAY:**

Anyone else on this issue? Hearing none, all those in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**1150. Amending the 2006 Operating Budget to fund the Department of Environment and Energy and amending the Suffolk County Classification and Salary Plan in connection with Deputy Commissioner of Environment and Energy, and assistant to the Commissioner of Environment and Energy (COUNTY EXEC).**

**LEG. ALDEN:**

Mr. Presiding Officer, before we have a motion on this, I would ask, wouldn't it be more appropriate to take this up later this afternoon after we see what happens with the department rather than to fund it before we create it?

**P.O. LINDSAY:**

You want to make motion to table to a time specific?

**LEG. SCHNEIDERMAN:**

Can we pass over it?

**LEG. ALDEN:**

Just pass over it. Because I understand that the •• there's a public hearing on the creation of the department, we have to close that, then we have to, I guess, waive our rules and make it alive before us, and then we can see ••

**P.O. LINDSAY:**

I don't •• you know, I don't think it would be the first time that we appropriated money before we passed a bill.

**LEG. ALDEN:**

It probably wouldn't be, but as the testimony in the committee was, it might be a little cleaner to actually create the department first, then fund it afterwards. I'm just throwing it out as suggestion, but it was brought up to us in the committee that it would be a little cleaner and a little neater, because what happened to us, I think it was last year or the year before, we actually put funding when we created the budget for a department that never got created, and it caused problems.

**P.O. LINDSAY:**

The only problem is that if we're not successful in passing the accompanying resolution this afternoon, we would miss, and correct me if I'm wrong, our window to modify the budget; is that correct, Gail?

**MS. VIZZINI:**

Well, this is a County Executive budget amendment, so that can be done at any time. And if I may, I just wanted to point out that I left a memo from Budget Review to all of you simply clarifying that there is the budget amendment and there is the Charter amendment and what each of them do.

**P.O. LINDSAY:**

But it isn't unusual. I mean, when we address the budget in the fall of every year, we appropriate money that needs accompanying resolutions in order to spend it. I mean, that isn't an unusual circumstance, am I correct?

**MS. VIZZINI:**

We've done it both ways. I think what you are talking about the chicken and the egg in terms of is the Charter Law passed and, therefore, we have the authority to have the department or is the budget set up with a, you know, separate Department of IT, a separate Department of EVE and then does the Charter amendment come later. We have done it both ways.

**P.O. LINDSAY:**

Legislator Schneiderman, although we don't have a motion on this as yet.

**LEG. SCHNEIDERMAN:**

What I want to say is I don't think it's structurally that important which one comes first;



create a department or budgeting a department, but since we do have a public hearing scheduled, I think with respect for the public, we just wait to after the public hearing to hear what's said before we take action on either one of these. So I'm just asking that we pass over it until later in the day.

**P.O. LINDSAY:**

I would probably feel more comfortable if someone made a motion a to table until after the public hearing.

**LEG. ALDEN:**

I make a motion to table until after we •• so it would be after the public hearing on the creation of the department and action we take subsequent to that on the creation of the department. Is that appropriate?

**P.O. LINDSAY:**

Well, I think you could table it until after the public hearings.

**LEG. ALDEN:**

Good.

**P.O. LINDSAY:**

So the motion is to table until after the public hearings by Legislator Alden and seconded by Legislator Schneiderman. Is there any discussion on that? Legislator Montano.

**LEG. MONTANO:**

I just want to make sure I understand the motion. The motion is to table this until after

the public hearing today?

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

What if the public hearing is recessed?

**LEG. ALDEN:**

Then you wouldn't really need to create a •• you wouldn't need to create this budget and you'd probably want to table it until after ••

**LEG. SCHNEIDERMAN:**

Then you lose the window, though.

**LEG. ALDEN:**

No, you don't lose the window, because the County Executive can change the budget at any time.

**P.O. LINDSAY:**

Truthfully, we have debated the issue of creating this department for two years. I for one would like to move forward on it in both forms, one at that time, chicken first, egg second, I don't care. Anybody want to weigh in? Legislator D'Amaro.

**LEG. D'AMARO:**

Yes. Thank you, Mr. Presiding Officer. I do want to weigh in on that. I don't have a

conceptual problem at all with voting on this particular resolution at this point. This does not go to the merits of the creation of the department, which would be the purpose of the public hearing, I believe, later this afternoon, and that debate can still be had. This simply appropriates the funds, it doesn't even create the department. So I don't see •• I don't have any conceptual problem at all with going forward with this motion here and now, this resolution.

**P.O. LINDSAY:**

Anyone else? We're debating the resolution to table until after the public hearing?  
Legislator Kennedy.

**LEG. KENNEDY:**

I would like to support that motion. I do think that while, yes, there's been much debate over the past couple of years, there is still important comments that we might receive from the public and certainly additional questions that we might pose. And I would disagree with my colleague that by adopting this resolution actually we are going through fairly specific acts as far as creating a whole administrative hierarchy and putting into place the movement of almost 60 positions. So it's not really an act on the side in a diminimous fashion. It would put several things into play prior to us having actually had the opportunity to go ahead and take the vote on philosophically or policy wise whether we are in the affirmative going to support the creation of the department. I support the tabling motion.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I would just like to echo some of the comments made by Legislator Kennedy and in addition, give my colleagues a chance to review the memorandum prepared by Budget Review more adequately seeing as how it does relate to budgetary matters that this resolution eludes to. So I will also support the tabling motion.

**P.O. LINDSAY:**

Anyone else on the tabling motion to a time specific? Hearing none, I'm going to call for roll call on this, Mr. Clerk. Again, this is a motion to table to after the public hearings of today, February 7th.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. ALDEN:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Pass.

**LEG. BROWNING:**

No.

**LEG. CARACAPPA:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. MYSTAL:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. ALDEN:**

With all due respect, I withdraw my motion.

**LEG. SCHNEIDERMAN:**

I was going to say change my vote then, but if the motion is withdrawn, then you don't

need to.

**LEG. VILORIA•FISHER:**

Motion to approve.

**P.O. LINDSAY:**

We have a motion to approve 1150 by Legislator Vilorina•Fisher. Do I have a second?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Cooper.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

There's a couple of points that I have some major problems with as far as the creation of

this department, and I've had some discussions with the County Executive's Office. And through the Chair, if it would be appropriate right now, I'd like to have a representative of the County Executive's Office come up to address some of those before I vote on this with a clear conscience or not be able to vote on this.

**P.O. LINDSAY:**

You want to keep your heart pure.

**LEG. ALDEN:**

Exactly, Bill. And I'll start with the one that's really closest to my heart, cancer. I think that we're doing something that is a little bit outside the norm in giving and charging a Department of Environment with finding causes of cancer and trying to find cures for those causes of cancer. Now, if we're looking to link environmentally some parts of the causes of cancer, then I can see some kind of a liaison. But I can't see and it's in the •• it's actually in the resolution in the whereas clause, it gives the charge to this department to actually find the causes of cancer.

Now, I have had discussions with the County Executive, and I'd like to just that on the record that he will take a serious look at •• if we create this department and we transfer that duty, that the County Executive would take a very, very hard look at possibly either transferring that responsibility back or creating some other kind of department, because for one would not have wanted a lay person looking at my diagnose and telling me what kind of treatment I would need or looking at the cause of my cancer. That in my mind and in almost everybody else's mind as far as medical profession and the research and development profession, you want doctors and you also want scientists looking at that, not people that are well schooled and well respected in the Department of Environment. So if I could have assurance on that point, and then I have just one other point to touch on.

**MR. ZWIRN:**

I know that you have had conversations with County Executive, and I believe he represented that he would take a look at your concerns as the department moves forward.



**LEG. ALDEN:**

We do not want to see people in Suffolk County short changed in that regard, because right now we have clusters of breast cancer, we have clusters of other types of cancer, and that's not all environmentally related. I would hate to see just lay people looking at that. So that was the first concern.

The second concern that I actually addressed with the County Executive was we're taking our whole Real Property Division and we're putting it in with environmental. Now, in my mind that could be a good thing, it could be a bad thing. But if we're telling the people of Suffolk County that the only reason why we're going to buy property or look at the acquisition of property is for environmental reasons, I think that's a huge mistake, because we have •• water quality, that comes under environmental, but we also have a serious need for housing on Long Island.

So if we could clarify the statement that we're making by taking the Department of Real Estate and putting it under environmental and make the statement to the people of Suffolk County that we will look at all types of uses, including ballfields, including housing and not just environmental concerns, because as a citizen of Suffolk County, I wouldn't want to see the only reason and the only driving force for Suffolk County purchasing property be to protect it environmentally. So there's a lot of other needs; there's economic development needs, there's housing as I see it, and there's also a lot of recreational needs. So I would hope that we make that statement or could clarify the statement we're making right now by creating this department or funding this department.

**MR. ZWIRN:**

The Real Estate Department will continue to do •• serve the role that it has traditionally in the County, including affordable housing sites, land acquisitions for environmental purposes and assisting the Planning Department as it has in the past.

**LEG. ALDEN:**

Thanks, Ben.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

My question is for Budget Review. I noticed in your Financial Impact Statement you indicated that this particular department, the creation of this department would create a cost savings to the County. Can you be a little bit more specific in detail in terms of how you came to that conclusion?

**MS. VIZZINI:**

This is actually a County Executive resolution, and the County Executive's people, their Budget Office did the Fiscal Impact Statement. Our concern was that the Fiscal Impact Statement really wasn't clear exactly as you said. It will •• it states that there will be a cost savings. However, what we did do was we •• you know, we reviewed the original bill, we recognized certain errors and brought them to the attention of the Budget Office. There's an amended copy as of January 30th. On that copy different between the pluses and the minuses is \$37,000. It basically transfers existing appropriations and existing staff with the exception of abolishing two filled positions. It's not clear what the cost savings are.

**LEG. BARRAGA:**

Tell me, once this department is put in place, does the County Executive have to come back to the Legislature if he wants to expand the personnel, if he wants to grow the department, if he wants to hire additional deputies or staff people or can that department do that unilaterally on its own?

**MS. VIZZINI:**

It's not something that can be unilaterally. To transfer people or appropriations would typically be done through the budget, which would be •• or through a budget amendment, which would be a recommendation by the County Executive and require Legislative approval.

**LEG. BARRAGA:**

Mr. Zwirn, you have a minute? We have at the federal level different agencies already doing this, the EPA, for example, they have the Department of Energy. At the state level, you have the New York State DEC. And the towns have different departments that really deal with these issues. Why is it so necessary that Suffolk County establish or create this department? What makes it so different or unique that you have to do this?

**MR. ZWIRN:**

I think it's •• when the County Executive ran for office, this was one of the forefront issues in the campaign. He wants to elevate the environment to a cabinet level position, he wants to elevate the energy issues in this County to a level that will now have their own Commissioner, their own people, and I think if you wait to this afternoon when you hear the public •• at the public hearings you hear Kevin Rooney from the Oil Heat Institute, various environmental groups saying that this is finally •• the environment is getting the recognition that it deserved in Suffolk County along with Public Works and all the other different departments. I think it's a statement to the taxpayers of this County, the residents, that this is as important as other departments in this County. I think he has set it up in a way that he thinks Mike Deering's name will come back before this Legislature as his recommendation for Commissioner and that he would be the head of this department and could better use the resources in these different agencies for the betterment of the people in the County. It just streamlines government a little bit, doesn't add to the tax burden, and he thinks it just sends a message to everybody in this County

that this ••

**LEG. BARRAGA:**

We don't really know that it doesn't add to the tax burden. I mean, that's a question of debate at this point. I guess my concern is that, you know, how do you control the growth of the departments? No matter what the level of government, once you establish something, it has a tenancy to grow intrinsically on its own. I mean, whether you put the money in the budget or you add positions, you know, once it's there, it grows. And it's a burden on the taxpayers. I'm not so sure I agree with the premise that the environment, even at the County level, or any level doesn't the preeminence that it deserves. I mean, we pick up that papers just about every other day, and you're seeing some sort of land purchase or some sort of proenvironmental act taking place in Suffolk County.

**MR. ZWIRN:**

Well, I think the County Executive shares your enthusiasm for saving money and not seeing government grow. I think that's the debate of another bill that we'll have this afternoon at the public hearings. But I think that because this has to come back to the Legislature if he's going to create these positions, which I understand he does not want to do •• I mean, one of the problems you have with the County Executive or the Legislature has had is creating more positions or filling positions as opposed to watching government •• making government grow.

**LEG. BARRAGA:**

Thank you.

**P.O. LINDSAY:**

Legislator Vilorio•Fisher.

**LEG. VILORIO•FISHER:**

I see the importance of this department being a place where we see the intersection of a variety of different County initiatives where there is an impact on environmental concerns having an oversight that has a broad view of what's going on throughout the County. And so that being said, I would like to address what Legislator Alden has talked about. And Legislator Alden and I have spoken about this in the past, because we both do have a great concern regarding this.

Having this •• these professionals in the Department of Environment dealing with cancer and environmental links to cancer clusters does not preclude their being health professionals in the Health Department who are also dealings with it, albeit with a slightly different perspective on it. We've been fighting for years to have the state complete their mapping projects, complete the links they have begun to forward in their studies. And I believe having a Department of Environment and someone within that department focusing on these health impacts that occur because of environmental offenses, I think will help us to forward our message and certainly advocate in terms of Long Island and the information we need from the state.

If you look at the resolution, it does refer in the areas talking about the coordination of studies. Number two says coordination of all studies and programs designed to uncover links between the environment and incidents of breast cancer and other cancers on Long Island. I think that that's a compelling statement. No one would advocate that any kind of diagnosis or patient treatment be done by an environmentalist. That will be within the Health Department. But establishing those links with a real eye on environmental issues, I believe is critical.

Going to what Legislator Barraga said regarding streamlining government, we've been looking, again, for years at environmental issues not only being the land acquisitions issues. They have to be broader. We have to look at pesticides, we have to look at other •• toxins that are introduced into our environment as part of the whole picture. We just can't throw money at the environmental issue and expect to make any inroads. So I wholly support this resolution and the creation of this department.

There was one part with which we had disagreement when it was first introduced. I believe Legislator Losquadro was on the committee with us when we talked about the CEQ issue being a problem. I spoke about that with the County Executive's Office last week, they amended that portion so that CEQ is not losing its direct advisory capacity to the Legislature, because that what it's mission is meant to be. So that change having occurred and all of the other parts of this focusing on the importance of environmental quality to us in Suffolk County who live on a sole source aquifer and rely on it, I believe this is critical to the running of this County.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

While I am a strong advocate of Legislative prerogative, I'm also a strong advocate of the Executive prerogative. If the Executive chooses to organize his government in such a way, this is his choice. I am not going to deny him that right. However, the concerns raised by Legislator Alden are serious, they are legitimate, but they will not be enough to have me vote against this. I will support this resolution. But I'm sure Legislator Alden will join me in cosponsoring Resolution 214, which is a set up a Cancer Awareness Department within the Health Department. I'd like to ask Mr. Zwirn if I may, and, Ben, I

have to say you're a very good representative for the County Executive.

**MR. ZWIRN:**

Thank you very much.

**LEG. ROMAIN:**

You are.

**MR. ZWIRN:**

Here it comes. We have a warrant for your arrest.

**LEG. MYSTAL:**

Ben, duck.

**MR. ZWIRN:**

Thank you very much. The Defense rests. Thank you. I'll be back later.

**LEG. ROMAIN:**

Let me just ask you one question. Did the County Executive last year introduce a resolution to take the Cancer Awareness Unit out of the Environment Department and

leave it in the Health Department.

**MR. ZWIRN:**

I think Legislator Caracciolo did that.

**LEG. ROMAINE:**

No. No. No. My resolution, Resolution 1214•2006 is copied from Steve Levy's resolution.

**MR. ZWIRN:**

Well, we knew it had to be copied from somewhere. I don't know. I don't know. I don't know. I'll have to go back and take a look. I don't know that Legislator Caracciolo •• I see Legislator Caracappa is nodding his head. That's my recollection as well.

**LEG. CARACAPPA:**

Through the Chair. I think we all remember, those who were here last year, Legislator Caracciolo wanted to separate out the department for the same concerns that Legislator Alden had. That was approved by the Legislature and vetoed and sustained.

**LEG. ROMAINE:**

Thank you.



**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

I spoke about this Bill last year, and I raised some of the concerns that some of my other colleagues have raised, certainly the concerns about the cancer awareness. I also have been somebody who's been concerned about the environment as everybody around this horseshoe has been. But I go to the question of fundamentally the expansion of government, some of the concerns that Legislator Barraga raised. And I question the need for this at this time when we all know the accelerated rate of land acquisition that we have been able to go ahead and enjoy under the existing structure with Planning led by Director Isles and the existing format that is in place.

According to the County Executive, we are on a rate to go ahead and exhaust all of the funding programs that we have, and he called for the creation of an additional \$50 million match program in this year for further environmental preservation. That's under our existing mechanism. It seems to me that what we're looking at is in most cases operations that have been well honed, work as they have been designed to do and that the staffing that is there implements it fully. I question the need to go ahead and reaggregate these existing groups. And I'm concerned that some certain other parts of our environmental concerns will be forfeited.

Our groundwater tabled is elevated certainly in my district. I'm plagued with many, many constituents at this point who are having flooding issues and basement problems. We've seen it on the South Shore. We'll be segregating out the hydrology functions that we have that currently exist now in the Health Department and in Public Works. I see this as something that at this point may not necessarily take us in a direction that's going to be a

beneficial direction.

**P.O. LINDSAY:**

Anyone else on this issue? Legislator D'Amaro.

**LEG. D'AMARO:**

Yes. Thank you. I just want to make a few quick points. Legislator Barraga did bring up a point about, you know, we have this type of department at many levels of government and that was one of the things that I thought about in considering this bill, but I come down on the side that I think it's importance •• I think the fact that these other departments exist at the federal, the state and even at the town level highlights the importance and the need of having all environmentalists work with the County coming together under one roof and perhaps maybe working together and coordinated on environmental concerns. And I think we do need to elevate those concerns in this County with a bill like this. I think it's an important thing to do.

This bill is not going to stop cancer research. It's certainly not going to do that, but what it is going to do is it's going to finally give the residents of Suffolk County an opportunity and a real look by County Government at the link between the environment and the possible causes of cancer. I think that's a positive thing, and I think it's long overdue. Thank you.

**P.O. LINDSAY:**

Anyone else? Legislator Schneiderman.

## **LEG. SCHNEIDERMAN:**

Nobody's going to argue that the environment is not extremely important. It always has been. In fact, it's part of the Planning Department, which is a very important department and can look at all of the considerations of transportation and energy and economics as well as of environment. Now we're taking the real estate function out, moving it into this new department. While I'm going to support this, I certainly hope that we continue to balance these issues, because as the environment is important, so is the fact that so many of our •• you know, our children are leaving this area because they can't afford to live in Suffolk County. And we want to balance these issues and make sure that we have a structure for County Government that allows us to balance those issues.

So I know, you know, Mr. Deering is a balanced guy and he's certainly a very competent and able potential Commissioner, but I have to look into the future way beyond Mr. Levy, way beyond Mr. Deering. And we're setting up a structure, and I've got to support it, but I'm just raising that question, that I want to make sure that our economy stays strong, we have the money for the social programs that we believe are necessary and that we protect our environment.

I just want to say one other thing on the bill. The Commissioner position, though I'm going to support the bill, it has very little credentials in terms of qualifying for that position; a four year college degree in any subject qualifies you for Commissioner. And there are many people that Commissioner will oversee who will have much higher credentials; ten years, a masters •• you know graduate degree credentials. So of course that Commissioner has to go through this body to be approved, and we can make the ultimate judgement, but I would have preferred to see in the body and the text of this bill a stronger •• stronger credentials for the Commissioner. Thank you.

## **P.O. LINDSAY:**

Thank you. Did you want to be recognized, Legislator Losquadro?

**LEG. LOSQUADRO:**

Just a quick point. I've spoken on this resolution, the creation of this department on many, many occasion over the past two years. And I will reiterate one of the points that Legislator Schneiderman made about the qualifications. I've work very closely with the County Executive and with the Nassau County Legislature and the Nassau County Executive on the bill to revitalize the Long Island Regional Planning Council. Unfortunately, Nassau County didn't pass the companion bill, but we passed ours here. And part of the those discussions was putting in place very stringent qualifications for the head of that board.

I'm just surprised given the amount of time and attention that was paid to it between my working group and the County Executive's Office to mirror some of the Civil Service language of very, very specific qualifications, that really almost no qualifications exist absent the four year degree and no specific discipline. So I would very much like to see the resolution creating this department amended. And I also have some concerns regarding some of the Civil service titles, but I guess we'll get to that later. Thank you.

**P.O. LINDSAY:**

Anyone else? Seeing none, we have a motion and a second. All in favor? Opposed?

**LEG. BARRAGA:**

In the negative.

**LEG. KENNEDY:**

Opposed.

**P.O. LINDSAY:**

In the negative, we have Legislator Kennedy, Barraga, Legislator Caracappa. Anyone else in the negative? Abstentions? Legislator Alden, Legislator Losquadro.

**MR. LAUBE:**

13.

**P.O. LINDSAY:**

Moving right along. Economic Development and Higher Education.

**1117. Appropriating funds in connection with the removal of architectural barriers/ADA compliance.**

Do we have a motion?

**LEG. HORSLEY:**

Motion.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Horsley, seconded by Legislator Montano. On the question?  
Hearing none ••

**MR. LAUBE:**

We need a roll call.

**P.O. LINDSAY:**

We have a bond, I'm sorry.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. HORSLEY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**



Yes.

**LEG. COOPER:**

Yes.

**LEG. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

And the accompanying bond, same motion, same second, same vote.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

**1118. Appropriating funds in connection with fire sprinkler infrastructure • Ammerman Campus.**

**LEG. NOWICK:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Nowick, seconded by Legislator Losquadro. On the question, Legislator Alden.

**LEG. ALDEN:**

Just a suggestion to save Tim's voice a little bit, maybe just say Legislators and then the names after it.

**P.O. LINDSAY:**

He is young good, he has good vocal chords.

**P.O. LINDSAY:**

Anyone on 1118? Okay. Mr. Clerk, please call the roll.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. NOWICK:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Not present).

**LEG. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

Approved. We have an accompanying bond. Same motion, same second, same vote.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1119. Appropriating funds in connection with site paving • college wide.**

Do I have a motion? Motion by Legislator Horsley, seconded by Legislator Eddington.  
On the question? Mr. Clerk, call the roll?

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. HORSLEY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. MYSTAL:**

Yes.



**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Not present).

**LEG. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

Same motion, same second, same vote.

**1120. Appropriating funds in connection with improvements/replacements to roofs at various buildings • college wide.**

**P.O. LINDSAY:**

Any discussion.

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, seconded by Legislator Horsley. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. CARACAPPA:**

I was a yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Not present).

**LEG. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

16.

**P.O. LINDSAY:**

Same motion, same second, same vote on accompanying 1120.

**1121A, funds in connection with waterproofing building exteriors.**

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Legislator Barraga, seconded by Legislator Schneiderman. Any discussion. Roll call on 1121.

**MR. LAUBE:**

I'm sorry. What was the motion on that?

**P.O. LINDSAY:**

The motion was on 1121A by Legislator Barraga and seconded by •• Legislator Schneiderman and Eddington.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.



**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Same motion, same second on the accompanying resolution, same vote.

**1130, approving the change of project for Downtown Revitalization Round III and Round IV for the Copiague Beautification Committee and amending the contract with the Town of Babylon to reflect same.**

Legislator Mystal, you want to make a motion?

**LEG. MYSTAL:**

Motion.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY.**

Seconded by Legislator Horsley. Any discussion?

**LEG. ALDEN:**

Just quickly on the motion.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

It was amending the contract? So what happened that it had to be amended? Through the Chair, I guess, the Chairman of that committee.

**LEG. HORSLEY:**

Yes. It is my understanding there were improvements that were changed, altered in the plan.

**LEG. ALDEN:**

But it's not going from a different project?

**LEG. HORSLEY:**

No. It's going to the same location. The same would be for the Wyandanch question also.

**LEG. ALDEN:**

Thanks.

**P.O. LINDSAY:**

Any other discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**LEG. COOPER:**

Mr. Presiding Officer, I would like to request that my vote be recording with the majority on 1118, 19 and 20, please.

**P.O. LINDSAY:**

Yes. Legislator Cooper, your motion is technically out of order. You have to make a motion to reconsider those to ••

**LEG. ALDEN:**

Somebody else has to.

**P.O. LINDSAY:**

Somebody else on the prevailing side. I will be happy to make that motion.

**LEG. COOPER:**

Okay.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Let me take care of it. All in favor? Opposed?

**MR. LAUBE:**

Who was the second?

**P.O. LINDSAY:**

The second was Legislator D'Amaro. You have to do a roll call.

**LEG. ALDEN:**

You can lump them altogether.

**LEG. CARACAPPA:**

No, they're bonds.

**P.O. LINDSAY:**

Counsel is telling me if we do that we have to go through three roll calls.

**LEG. COOPER:**

You know what? It doesn't matter.

**LEG. MYSTAL:**

Thank you.

**P.O. LINDSAY:**

So I will withdraw my motion.

**LEG. COOPER:**

Thank you.

**P.O. LINDSAY:**

**IR 1131, approving the change of project for Downtown Revitalization Round III and Round IV for the Cold Spring Harbor Main Street Association and amending the contract with the Town of Huntington to reflect the same.**

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Legislator Cooper makes a motion to approve, seconded by Legislator Browning. On the question? Hearing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

**1132, approving the change of project for Downtown Revitalization Round III for the Wyandanch Beautification Committee and amending the contract with the Town of Babylon to reflect the same.**

**LEG. MYSTAL:**

Motion.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Mystal, seconded by Legislator Horsley. On the question? Seeing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

**IR 2022, making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton.**



I am going to make a motion to table that at the request of Commissioner Morgo.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

IR 026, adopting a Local Law, a Charter Law to amend the Suffolk County Charter to ensure representation of environmental interests and historic preservation on the Council of Environmental Quality.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Is this subject to a hearing?

**MR. NOLAN:**

No, the hearing is closed.

**LEG. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

We have a motion by Legislator Cooper, a second by Legislator Vilorias•Fisher. Anybody want to speak on the issue? Legislator Alden.

**LEG. ALDEN:**

Briefly, what does this do and why do we have to do this? Because this is •• you're changing •• it's a Council on Environmental Quality Review, right? So could you explain what it does?

**LEG. COOPER:**

We're expanding the membership of CEQ by two members, guaranteeing a spot, a designated spot, for an independent environmental advocate and an independent historic preservationist.

**LEG. ALDEN:**

That wasn't covered in prior make up of the ••

**LEG. COOPER:**

Right now there's no requirement that anyone on CEQ have either an environmental background or a historic preservation background. This for the first time would guarantee •• and I'm not saying that the members of the CEQ right now do not have an interest in the environment, but this would guarantee that at least one position is filled by someone with several years of experience with environmental advocacy organization or other experience in environmental advocacy work, likewise with several years of experience in historic preservation.

**LEG. ALDEN:**

So nothing formal, just you have to document that you ••

**LEG. COOPER:**

Actually, I have to look at the resolution again. It's been many months since I drafted this.

**LEG. ALDEN:**

So two questions would be then, you know, if there's a formal requirement and, you

know, educational or, you know, work in the field or something like that. And number two, this takes the number of people on environmental review from what to what?

**LEG. COOPER:**

I believe it increases it from •• I think right now it's eight plus the Chair of the Environment Committee. I would increase it, I believe, to 10 plus the Chair.

**LEG. MONTANO:**

Eleven.

**LEG. COOPER:**

Ten plus the Chair for a total of eleven.

**LEG. ALDEN:**

Through the Chair, if our Counsel can just tell me if there's a, you know, formal requirement.

**MR. NOLAN:**

It increased the membership by two. And the Local Law requires that one member of the council have that background, environmental preservation and protection through experience with a recognized not•for•profit environmental advocacy group for a period of at least five years, and that one member of the council demonstrate a consistent ongoing commitment to the preservation of historic buildings for a period of at least five

consecutive years. That's what it does.

**LEG. ALDEN:**

Thanks.

**P.O. LINDSAY:**

Legislator Caracappa.

**LEG. CARACAPPA:**

Who's going to decide? I guess it would be by appointment of this Legislature on the final appointee of this environmentalist.

**LEG. COOPER:**

Yes, it would come before the Legislature, I believe. So it ultimately would be our decision.

**P.O. LINDSAY:**

Anyone else?

**LEG. SCHNEIDERMAN:**

Just ••

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

One correction to something that was said. It's not the Chair of Environment that serves on the CEQ, it's the Chair of the Parks Committee. And actually this bill, Jon and I kind of went back and forth with these bills towards the end of last year, and this is pretty •• I think it's relatively identical to one I had proposed, which two new members, one historic and one environmental. Just to remind the Legislature that CEQ also is our designated historic trust review board.

So I think it is important. Now, there are people like Lance Mallamo who are there now who's quite well versed in historic issues. And there are very strong environmentalists including Lee Snead, who we put on last year. But this creates a statutory requirement so we know into the future that one would be well verse in environmental issues and another well versed in historic preservation issues.

**P.O. LINDSAY:**

Okay. Not seeing any other who wants to weigh in on this, all in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**LEG. CARACAPPA:**

Opposed.

**P.O. LINDSAY:**

We have one negative, Legislator Barraga. Any others? Legislator Caracappa. Any abstentions?

**LEG. ALDEN:**

Abstain.

**P.O. LINDSAY:**

One abstention, Legislator Alden.

**MR. LAUBE:**

15.

**P.O. LINDSAY:**

**1065, a Charter Law to promote nonpolitical, professional diverse County Planning Commission.**

Do I have a motion?

**LEG. VILORIA•FISHER:**

I will make a motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría•Fisher, second by Legislator Stern. On the question?  
Seeing none ••

**LEG. ALDEN:**

I just have one question.

**P.O. LINDSAY:**

Yes. Legislator Alden.

**LEG. ALDEN:**



I apologize because I'm not on this committee, but is the assumption underlying this that right now our Suffolk County Planning Commission is political and nonprofessional?

**LEG. VILORIA•FISHER:**

Is that a rhetorical question?

**LEG. ALDEN:**

No.

**P.O. LINDSAY:**

It's a County Executive bill, so I'll defer to Mr. Zwirn.

**MR. ZWIRN:**

I think it's a reform to try to make it better. The Planning Commission has been operating with a skeleton. Numbers of people who are serving on it, I think there are times they can't even make a quorum. I think there were some matters that came up last year that I think called for a review of the Planning Commission so that there would be better coordination and wider representation. In the past, there had been an unwritten agreement where a Town Supervisor would make recommendations to the County Executive, and they would be put forth before the Legislature.

County Executive Levy tried to do that last year, but there were certain Supervisors that couldn't get their appointments through the Legislature, whether they had unanimous

bipartisan town board resolutions or that they were simply recommended by the Town Supervisors. So County Executive Levy took a second look at it and he said, look, let's come up with a really spectacular Planning Commission by getting the best and brightest that we can from Suffolk County, getting them from the ten towns, from the Association of Town Supervisors, from the villages, both large and small and At Large from the County and try to come up with a really nonpolitical reform-minded Planning Commission that would have the respect of everybody in the County.

**LEG. ALDEN:**

Through the Chair. Does this resolution prohibit the appointment of somebody that's currently serving in the town in their Planning Departments?

**MR. ZWIRN:**

I believe so, yes.

**LEG. ALDEN:**

Because I would think that as far as on a town basis, you probably have the best and the brightest, you know, in your Planning Department, and that would maybe help Suffolk County if those people served on ••

**P.O. LINDSAY:**

Can I just weigh in on that though? At times, I mean, the Planning Commission, the County Planning Commission makes recommendations to the town that could create a situation where the town would need a supermajority to approve a project. So I think for a person to serve on both is kind of •• could be a conflict, I would think.

**LEG. ALDEN:**

Well, in that situation if you had more than ten people on the Planning Commission, the person from that town could, you know, recuse themselves from the vote or something and allow a majority vote to take place. It just seems like you are precluding upfront some of the brightest and the best that would have very good local knowledge.

**MR. ZWIRN:**

Well, I think if you look at the names that are put before the Legislature by the County Executive, they should be judged on their merit and their body of work.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Good morning, Ben.

**MR. ZWIRN:**

Good morning.

**LEG. EDDINGTON:**

A quick question. Did the ten Town Supervisors, Supervisor Petrone, Supervisor Bellone, Supervisor Vecchio, Supervisor McGowan, Supervisor Foley, Supervisor Russel, Supervisor Cardinale, Supervisor \\_Keile\\_, Supervisor McGintee and Supervisor Heaney send you jointly a letter opposing this resolution?

**MR. ZWIRN:**

We received a letter that came before the committee that was signed by Supervisor Petrone as, I think, the Chair of the Association of Town Supervisors who said they would like codify what had been an unwritten agreement between the Town Supervisors and the County Executive. The County Executive tried the •• I don't know if Supervisor Petrone was aware or the other supervisors, some of which are new to their positions were aware that some of the appointments that were recommended by their colleagues were outright rejected.

Also if a Town Supervisor doesn't move forward with a nominee, then that town does not have a representative on the commission. We think this is a good reform and should be judged on its merits. I think •• and again, I think the County Executive started at the end of the last year, started to recommend people based on their qualifications and not based on the Town Supervisors' recommendations, and some of these were approved; Ed Pruitt out of the Town Brookhaven, Sara \\_Lansdele\\_, who's up for reappointment before you today, did not come forward from Town Supervisors. They were approved based on their merits. And the names that are before you today, we hope get the same consideration.

**LEG. ROMAINE:**

Well, if I could continue, I obviously share a different point of view on this particular resolution, and I will tell you why. I believe that towns should be represented, I would go further to say it shouldn't be up to the Supervisor, it should be up to the Supervisor and town board jointly in each town to make recommendations. This is my biggest concern. I asked you at our committee meeting where there were two appointments, both which

had very good qualifications, no doubt about it, but one was representing the Town of Smithtown. I asked you point blank, did the County Executive call the supervisor or the town board members, and you said, no, he did not. He just made the appointment, you're representing Smithtown, but we won't •• you know, not even the courtesy of a telephone call to the Supervisor or the board members. And the same with the other, which was representing smaller villages, I believe. Did you call the Mayors Association or any of those? No.

And here's my problem. Right now, I represent an East End district. There are five eastern towns. We have a voice, because each of the towns can appoint right now, it used to be a Supervisor's recommendation. But I think it would be better to do Supervisors and town boards. But this resolution, I don't think it's a reform. What I think happens, it's one of the boards where we have parody with the West End. It's where you would be denying a voice from the East End, because there's no guarantee under this quote, end quote, reform legislation that the East End would have a voice. Also, Planning and Zoning ••

**MR. ZWIRN:**

No, that's not correct.

**LEG. ROMAINE:**

Also, Planning and zoning •• I will finish and you can certainly respond. I'm sure you are taking notes. Planning and zoning is a town function.

**MR. ZWIRN:**

And will remain a town function.

**LEG. ROMAINE:**

I understand that. But we are not allowing any of their representatives from these organizations, from town government to come forward, and that's why I think Supervisor Petrone acting on behalf of all ten supervisors objected to this resolution. There is something known as a division of power as opposed to separation of power, an object that I talk about from time to time, but the division of power, we have in our local government towns and we have a County. Towns have planning and zoning functions. They should have a representative jointly, the town board and the Supervisor should be allowed to appoint representatives to represent that town's point of view. There are planning issues that they want to talk about.

Now, I don't view this as reform. I view this as a step backwards where we're disconnecting with the town governments and almost ignoring what they have to say on issues that they have prime jurisdiction over. So I have a problem with this resolution for that reason. The reason I abstained at committee is the reason I will probably abstain or vote no on this resolution, because I don't view this as a reform.

**MR. ZWIRN:**

Through the Chair, may I respond?

**P.O. LINDSAY:**

Sure.

**MR. ZWIRN:**

The Suffolk County Planning Commission represents the County at large. Each town will have a representative, and the representative the County Executive has selected from those particular towns are outstanding representatives of their towns and their communities and will serve the people of this County well.

Now, when you talk about the Town Supervisors having their roles eliminated; Supervisor Josh Horton, Supervisor Phil Cardinale, Supervisor Bill McGintee are all duly elected supervisors who had their appointments, their recommendations, rejected time and time again. Some of them never made it out of committee. So those were three positions that were left open on the Planning Commission or had holdovers there. That system did not work. So the County Executive, as I said, let's take a new look at this, let's come up with the best and brightest the from each town. Each town is represented on this board, plus three At Large, one representing small villages, one large villages. It's a 15 member board.

Sometimes the County Planning Commission perspective should be different from a particular town, especially when you have projects that sit on the border in one town that will have a major impact on the neighboring town, which has happened in the past year. This will get people from all levels of government with all kinds of backgrounds from a nonpolitical perspective, and I think it will get more respect from the people in the community than in the past.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Mr. Zwirn, I think my concern with reference to this particular resolution has to do with

more of a philosophical approach in terms of the role of so-called special interests throughout New York State, not just at the County level. I think the general public when they read about special interests, it gets their air up a little bit, because, you know, there's something about that whole grouping in terms of the influence they have on public officials. But they serve a definitive role, most certainly they represent a particular point of view. And as a Legislator, I want to hear their point of view, and I will make the appropriate judgment based on what's in the best needs of the people I represent.

But this particular legislation, I think, takes take the role of the special interests and crosses the line, because as you designed this Planning Commission, it now puts the special interests as part of the legislation, as part of the government. I mean, there are ten different specific groupings here that have to be adhered to in filling out this Planning Commission. For example, you have to have someone from an environmental organization, someone from a civic association, someone with municipal planning, someone with a law degree with land use experience, someone from the real estate industry, the business community, a labor organization, someone with transportation expertise, someone with workforce housing, all special interests now embedded in the legislation.

Now, Mr. Zwirn, you know, in the end the Legislature, the County Executive, they can well put these people on the Planning Commission. I just don't like the idea that it's specifically spelled out in the legislation. Another element. You can have someone who is a tremendous expert, tremendous expertise in planning and has written texts and teaches and everything else, because they're a committeeman, a committee person, they're excluded from being in this legislation. Yet I don't have any qualms as an elected official every couple of years going to the same committee people and saying, look, would you please carry these petitions to get me on the ballot so that I can run for reelection. But they're not good enough to sit on this Planning Commission, as if there's a connotation, a negative connotation associated with being in a political party. That's the wrong way to go. I think it sends the wrong message.



So with reference to the special interests and the negative affects it has on party political, and I think it's a very honorable profession, they shouldn't be excluded necessarily, all right, I cannot support this legislation.

**MR. ZWIRN:**

May I, through the Chair.

**P.O. LINDSAY:**

Yes.

**MR. ZWIRN:**

I have great respect for Legislator Barraga when he was at the Assembly and here. The County Executive's role in this is trying to get a balance on the Planning Commission so it's not overloaded with real estate developers or overloaded with environmentalists, so that people think they will not get a fair shake. He tries to put the qualifications in so he has a wide spectrum of background and expertise that come before the Planning Commission.

With respect to the committeemen element of this, he's trying to also depoliticize. I mean, it's a major reform. It's not criticizing committee people, he's just letting the public know that there's politics and there's government. And if you want to serve in government, then you may have to step away from the political role. It doesn't take away your First Amendment rights to carry petitions, raise money, campaign, vote. It doesn't preclude you from doing that. It's just sending a message to the public at this time that we're going to have good government over here making these decisions based on the issues before us and not wear my political hat at the same time. That's the only reason.

He's not criticizing committee people, but he's trying to send the message to the taxpayers of the residents of this County that we're different.

**LEG. BARRAGA:**

I respectfully disagree with his approach.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

You may not want to sit down yet, Ben.

**MR. ZWIRN:**

Oh.

**LEG. SCHNEIDERMAN:**

In trying to say that the old system was broken, you quoted three examples from three towns; Southold, East Hampton and Riverhead. All three of the representatives that they put forth all had active interest in real estate. It's something that we need to think about, whether somebody who has an active interest in real estate should really be serving on a planning commission where you may run into conflicts of interest. There were other towns, which you didn't mention, who submitted names, such as Brookhaven and Southampton ••

**MR. ZWIRN:**

No.

**LEG. SCHNEIDERMAN:**

•• where those names never not got in front of us to even review those potential candidates. So there were politics going on clearly, maybe on both sides. I think expertise is important in making these decisions, and bringing experts to the table is important. But what we are effectively doing here is taking away the local voice on local land use decisions.

Everything that comes before that Planning Commission is a local land use decision. And the way it's been functioning is your elected representatives have been picking who they think best represents that community to serve on that Planning Commission. So we have currently ten voices, that ten voices will be diminished completely, although there will be somebody physically from these areas. The town that I'm from, let's say, East Hampton, if the environmentalist is already on from another town, then who knows? It might be a real estate person or the transportation person or the housing person. So we're going to become limited as to who we may pick from. And I think it's important that the towns do have a voice here, a clear voice. So expertise is important. Bring those experts to the table, let them be part of the discussion, but don't take away the local voice.

**MR. ZWIRN:**

If I just might •• one last retort. Supervisor McGintee not only made a recommendation from the Town of East Hampton, he got a bipartisan town board unanimous resolution

supporting it, and that resolution never saw the light of day. I mean, so if you want to go to the old system, it didn't work, it was broken. The County Executive took a new fresh look at it and said, look, okay, I understand we can do better. I think this resolution accomplishes that.

**LEG. SCHNEIDERMAN:**

If I can comment. That particular situation, the person was not confirmed. Even the local newspaper, which has a strong Democratic slant said that it was a troubling appointment. We're entitled as a body to reject an appointment if we feel the person isn't qualified. I made multiple attempts to Supervisor McGintee to ask for an additional name after that person was rejected, never got another name. And in their own choosing for their own planning board, when they had three vacancies, did not choose to put this person on. So it's prerogative to confirm or deny ••

**MR. ZWIRN:**

And it will remain that way.

**LEG. SCHNEIDERMAN:**

Thank you.

**P.O. LINDSAY:**

Legislator Viloria•Fisher.

**LEG. VILORIA•FISHER:**

Through the Chair, Legislator Schneiderman, I think there's one element of the resolution that you might not have taken into account, and that's B•7, where there's at least one member who will be recommended by the Association of Town Supervisors. So when you say that the Town Supervisors are being completely left out of the process, this is, in fact, the first time that their input into the process is codified as part of the process, because it had been a courtesy, it had been a practice, but it had not been a formalized appointment by a Supervisor of that Town. This bill, in fact, does give the Supervisors that opportunity.

**LEG. SCHNEIDERMAN:**

If I could respond. The way •• to me it's going from ten to one, because the practice had been to turn to the towns for those appointments. But I would support a new resolution where we codified that each town through their town board, because I agree with Legislator Romaine, not just the Supervisor, but the majority of the town board, would pick who they wanted to represent them on this commission. But that is not what we have in front of us. We have one person representing all of the towns. And as you know, the needs in Central Islip may differ from the needs in Southold, or whatever two I might choose, Shelter Island.

**P.O. LINDSAY:**

Legislator Caracappa.

**LEG. CARACAPPA:**

I think all my points were covered very well by Legislator Schneiderman and Legislator Barraga. I just wanted to put on the record my feelings about Mr. Zwirn's most recent comments. I do take exception to the fact that I think there's •• we do have a system of checks and balances in this County, it's what makes every county and every municipality

great. I've seen ●● and those who have been here over the last couple of years, I've seen a constant attempt at deteriorating the checks and balances in this County.

I firmly believe that this bill is another attempt. What it's doing is creating a much smaller pool for the Planning Commission. We are going to have a much limited pick of the great talent that is in Suffolk County to deal with the very, very important issues that affect our communities. What the County Executive is ultimately doing is creating click and/or club in my estimation. And it doesn't ●● and it's under the guise of a reform. It doesn't meet the direction we really need to go in as it relates to one of the most important items facing us in Suffolk County, and that is good planning. This bill takes a big step backwards as opposed to a big step forward.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer. I have a few things I wanted to add, but first I have to just point out that I completely disagree with Legislator Caracappa's perspective on this bill. As a former Zoning Chairman from the Town of Babylon as was Legislator Horsley, I agree with Legislator Alden that the best and the brightest probably do come out of the towns. The problem is that they bring a town perspective. And what this bill, I believe, is trying to accomplish is a more regional or County•wide perspective, and I think that's long overdue.

You know, frankly, the last place that you really want to look for a County Planning Commission member is from the town precisely because the zoning power rests in the town. This creates a layer of check and balances and oversight. It does not diminish it, it

enhances it. Frankly, the current system or the old system that hopefully will be the past system after today is what got us to this position in the first place. You know, I see this as very reformed oriented•type of legislation that will finally give the County more independence in reviewing planning decisions being made by the authorities that have the authority •• that have the jurisdiction to make those decisions.

I don't see this as requiring special interests on the Planning Commission. I see it as requiring qualifications. Another item that I believe is long overdue in the planning process, especially as we talk about going forward and planning on a more regional basis, because we see these problems coming up every day where one jurisdiction or town may have a conflicting interest from a neighboring town. This legislation is a great step forward, actually, I believe, in moving to a more regional type of overview and oversight where we can independently weigh in on those decisions that are impacting the residents of each town on a daily basis.

So I think that I would strongly urge my colleagues to support this bill. And I think it moves us exactly in the direction that the public is demanding that planning take in this County.

**P.O. LINDSAY:**

Anyone else? No? Okay. We have a motion and a second, all in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

Opposition, Legislator Romaine, Caracappa, Alden, Barraga. Abstentions, Legislator Losquadro, Schneiderman and Legislator Kennedy and Romaine.

**P.O. LINDSAY:**

Do you have that, Mr. Clerk?

**MR. LAUBE:**

10.

**P.O. LINDSAY:**

**1087. To appoint a member of the County Planning Commission (Carrie Meek Gallagher).**

**LEG. KENNEDY:**

I'll make a motion, Mr. Chair.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. VILORIA•FISHER:**

Second.



**P.O. LINDSAY:**

Seconded by Legislator Vilorio•Fisher.

**LEG. KENNEDY:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I reviewed this appointee's qualifications, and she does have extensive experience. However, as Legislator Romaine just raised, this is not an individual that was brought forth by the Supervisor from the Town of Smithtown. And so notwithstanding much of the debate and soliloquy that just went on on the prior bill, I question whether or not we're actually embracing inclusion from the towns or if, in effect, what we'll do is create a further fracturing from our County planning level to our town. That notwithstanding, I will make a motion to support this individual.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

A procedural question since we just created the new nonpolitical, professional, diverse County Planning Commission. The people who are on it, I guess they're all off and we've got to rebuild the whole committee. So how could we put somebody on it now just to have them removed as soon as the County Executive signs this bill? It seems to me to be a structural problem. We're going to need to know now which seat this person is going into; whether it's the housing position or transportation or business or real estate. So it seems to me that it's premature to appoint this individual, as qualified as she may be, for what might be a one month appointment.

**P.O. LINDSAY:**

I'd like to hear the answer to that myself. Do you have some insight into the dilemma, Mr. Zwirn?

**MR. ZWIRN:**

I think •• I'll find out which position the County Executive had Ms. Meek•Gallagher in mind for. But the bill •• the appointments that he's been making have been based that this legislation would be approved at some point. I'll find out for Legislator Schneiderman which particular role, other than the Town of Smithtown.

**P.O. LINDSAY:**

So the appointments before us today, and I think there are two or three of them, would all fit into one of these spots.

**MR. ZWIRN:**

There are some that don't have to have any specific qualifications. There are ten that do out of the 15.

**LEG. KENNEDY:**

Mr. Chair, I would raise the question then. This resolution is presented to us as a resident for Smithtown. How am I or anybody else here to know what's in the mind of the County Executive as far as what this other intent is? It's almost as if we're being asked to vote on something undetermined or open-ended.

**MR. ZWIRN:**

I'll get the answers to you. I don't think that that will be a problem, because in the interest of moving forward with this, they can be general background based on their resumes without a specific criteria.

**LEG. KENNEDY:**

I didn't see a general background in the previous resolution. As a matter of fact, all ten spots were very specific, not a single one was general. What am I to surmise?

**MR. ZWIRN:**

There are ten positions that have qualifications. They need not have to be from the individual towns, just ten out of the 15.

**LEG. ROMAINE:**

Point of information.

**P.O. LINDSAY:**

Wait a minute. Legislator Romaine.

**LEG. ROMAINE:**

Point of information.

**MR. ZWIRN:**

Can you just check the Whereas Clause to the bill?

**LEG. ROMAINE:**

When this appointment came before us, I asked you at committee what town •• what seat Ms. Meek•Gallagher was going to represent, and you replied to me at that time that she was representing the Town of Smithtown, clearly indicating that this was being appointed under the old system as you like to refer to it.

**MR. ZWIRN:**

No. Each town will have a representative on the new Planning Commission bill before the County. Each town will have a representative. There will be ten representatives, one from each town.

**LEG. ROMAINE:**

My point of information, which I'd like to get some clarification on, what is the length of her term if we •• and we have adopted the new proposal. What is the length of her term? Does her term expire? Will she have to be reappointed in a specific category or it is general member? What is the length of her term, since we are appointing her and we know that we just passed a piece of legislation that probably won't be signed until after the County Executive does it, what is the length of her term?

**MR. ZWIRN:**

George, do you have it in front of you?

**P.O. LINDSAY:**

December 31st, 2007.

**MR. ZWIRN:**

I don't have the bill in front of me.

**LEG. SCHNEIDERMAN:**

A four year term.

**LEG. ROMAINE:**

Let me follow up with that point. If we have people appointed to staggered terms on the Planning Board and they're four year terms, what affect will the new legislation that we just adopted assuming the County Executive signs it have on the duration of their terms? Will he be able to executive his reform, and I put that in quotes, agenda for the Planning Board since they are term appointment, and you just indicated that you're not seeking to end term appointments.

**P.O. LINDSAY:**

If I might explain part of that, and it's in the resolution. It's a four year term, but this particular term of the spot he is replacing expired in '03. So this appointment will only be good until December 31th '07.

**LEG. ROMAINE:**

Obviously, they can't apply the new legislation to the old members. So they would have to fit into specific categories. Are you looking to apply the new categories that have just been adopted ••

**MR. ZWIRN:**

To the new appointments.

**LEG. ROMAINE:**

•• to the existing members and appointments that we're making now to the existing members of the Planning Commission?

**P.O. LINDSAY:**

In other words, the intention is not to wipe out the Planning Commission the way it is now to conform to this. It's going to conform over time as we reconsider the appointments, is that the intent?

**MR. SABATINO:**

Yes, Mr. Chairman. The Charter Law before you is amending the existing statute. As Mr. Zwirn previously stated, you will continue to have ••

**P.O. LINDSAY:**

The Charter Law passed. We are in the appointments now.

**MR. SABATINO:**

Right. I understand. The question was raised before how will the Charter Law amendment that was just accomplished impact the appointments. The Charter Law amendment that was adopted has specific transition provisions to carry over between last year and the end of this year the same staggered terms that were created in 1971. So the appointments before you right now are following the staggered terms that were in existence since 1971. That is not changing. The fact that there will still be one representative from each of the ten towns is not changing. The fact that there will be three At Large appointments is not changing. And the fact that there will be two village representatives is not changing.

At the end of 2006, if the previous appointments made prior to 2005, prior to the

transition, have not been replaced, those individuals will be off the board. So between now and the end of the year you will complete the fulfillment all the terms of office based on the staggered terms except for those people who don't get replaced in the Year 2005. Each individual resolution will identify which slot the person is falling into. Out of the total of 15 appointments, at least seven must meet one of those seven characteristics or quality or background criteria that is set forth in the statute. So at least seven out of the 15 have to hit one of those seven categories, and the resolutions will identify which category.

**LEG. VILORIA•FISHER:**

Is there anyone else who wishes to speak on this? Legislator Kennedy.

**LEG. KENNEDY:**

Madam Chair, I guess I'm just going to ask our Legislative Counsel if he can, in plain terms, tell me what will be the net effect of the appointment for this individual today?

**MR. NOLAN:**

By the resolution' terms, this appointment would expire at the end of 2007.

**LEG. KENNEDY:**

And so will this individual then transcend the process, I guess, that the Chief Deputy just articulated as far as this movement of individuals through the end of 2006? Is it safe to say that she'll have the opportunity to serve for at least 24 months?



**MR. NOLAN:**

The Charter Law that was just adopted does have •• in its applicability section does state that all existing appointments to the Suffolk County Planning Commission shall expire on December 31st, 2006.

**LEG. KENNEDY:**

I'm confused. You know, I'm happy to go ahead and sponsor an individual who is meritorious and qualified. I also pointed out the concerns I has as far as the town input, but now I'm being •• what's the answer?

**LEG. ALDEN:**

End of the year.

**LEG. KENNEDY:**

Okay. So then basically we're asking this individual •• the County Executive has put this individual forth •• and as a matter of fact, I've been assured by the Chair of Energy and Environment that she's highly qualify, has lots of experience, but at the same time now, I guess it's incumbent on me to say to her, we like you, but we only like you for 11 months, is that it?

**MR. NOLAN:**

All I can tell you is the Charter Law says that all existing appointments expire at the of this year. I think that the Chief Deputy •• I think he is taking a position that the existing positions they are referring to predate the Charter Law that was just enacted. But the language in the statute says that any existing appointments will expire at the end of this year. So there is some conflict between the resolution and the Charter Law.

**LEG. KENNEDY:**

I'm going to make a motion then •• I'm going to withdraw my motion to go ahead and to move the individual to support and instead, I guess, I'm going to request a motion to table until such time as this error that's now contained in 1087 can be revised so that we can vote on something that accurately reflects the balance of the term that this individual would be appointed to.

**LEG. VILORIA•FISHER:**

I have a question of Paul Sabatino. As Counsel pointed out, I'm looking at the Paragraph A in applicability where it says that all appointments in place as of December 31st, 2004, shall expire on December 31st, 2006. When you use the terms appointments there, it refers to the position. And Carrie Meek•Gallagher is being appointed to a position that had been held by somebody else, but that particular position in this body has a termination date of 2007.

Counsel has pointed out this applicability clause which states that that position expires on December 31st, 2006. So there's a discrepancy between this particular paragraph and the terms under which we are looking at Carrie Meek•Gallagher's appointment. Can you try to give us a bridge between those two.

**MR. SABATINO:**

The key was for those people that were appointed as of December 31st, 2004. The reason that was a significant date is that in the tail end of 2005, if you recall, in the second half of 2005, the County Executive started to make recommendations and appointments as if the criteria and the standards were in place. So there's five or six people who were appointed at the end of last year ••

**LEG. VILORIA•FISHER:**

But we're not going to that question.

**LEG. MYSTAL:**

Madam Chair, point of order.

**LEG. VILORIA•FISHER:**

I'm just trying to look at the language of the two of them.

**LEG. MYSTAL:**

Point of order. You have a motion to table. You didn't take a second.

**LEG. LOSQUADRO:**

I'll second that motion.

**LEG. VILORIA•FISHER:**

Seconded by Legislator Losquadro. Thank you. We're not looking at those appointments in 2005. What we're saying is that Carrie Meek•Gallagher is filling a position that is going to expire in 2007. In the paragraph here under applicability, that

particular position to which she is being appointed •• now when you say appointments, and I'll ask either Counsel to answer this, where it says appointments, does that refer to the person or does it refer to the slot, applicability, Paragraph A?

**MR. NOLAN:**

It says all existing appointments, so I'm assuming that would be the person who is in the slot.

**LEG. VILORIA•FISHER:**

That would not speak to the resolution before us on Carrie Meek•Gallagher, because appointment then means the person and not the slot. So we wouldn't have any problem then in passing this resolution, because Carrie Meek•Gallagher is the person •• the appointment that's named here under this resolution, and that would be •• that would not be prior to 2004 or, you know, in place in 2004. This is a new resolution.

**MR. SABATINO:**

Right. That's why the people who were in place as of December 31st of 2004, those are the people that were appointed. Those are the people who would be taken out during the transition period.

**LEG. VILORIA•FISHER:**

Right. We understand that.

**MR. SABATINO:**

And that's why the prior paragraph where you're reading talks about the staggered terms from 1971 carrying over. That was to maintain the continuity of staggering all 15 individuals.

**LEG. VILORIA•FISHER:**

Okay. Are there any other questions? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I still see confusion in that point, because this person term that this woman is filling under this statute we just passed expires in end of 2006, yet we're appointing her for a term ••

**LEG. VILORIA•FISHER:**

No. The terms expires in 2007.

**LEG. SCHNEIDERMAN:**

But had that person actually stayed, it would have been the end of 2006 under the new bill.

**LEG. VILORIA•FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

But the person is leaving, and now we're saying he's going •• she is going to fill his slot, and it's going to go to 2007. That seems to be a problem.

**LEG. VILORIA•FISHER:**

I'll let Counsel comment on that.

**MR. NOLAN:**

I do have to apologize, because I had the original version of the bill, and the applicability section I talked does state that all appointments to the Planning Commission in place as of December 31st, 2004, shall expire December 31st, 2006. So that was my error. It would not affect this appointment. I apologize.

**LEG. KENNEDY:**

All right. Madam Chair, then I guess one more time let me take a stab at this. If, in fact, then we are going ahead and this appointment will at least allow this individual to serve for 24 months, then I'll withdraw the motion to table. I'll make the motion to approve.

**LEG. VILORIA•FISHER:**

Well that motion is already there. You made the motion to approve, and I had seconded it.

**LEG. KENNEDY:**

I'll withdraw the motion to table. I'll make the motion to approve. I just sincerely hope that this individual is at least going to be on the board for 24 months.

**LEG. VILORIA•FISHER:**

We would always have the opportunity to do a reappoint at that time as we are doing with Sara Lansdale who completed another term and served for eight months and was happy to come before the Environment Committee last week. Any other questions on the motion? On the motion •• we're waiting for someone to come back in.

**LEG. VILORIA•FISHER:**

We will do a roll call.

**LEG. LOSQUADRO:**

You can say Legislator this time.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)**

**LEG. KENNEDY:**

Yes.

**LEG. VILORIA•FISHER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.



**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

(Not present).

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Y•e•s, yes.

**P.O. LINDSAY:**

Yes.

**LEG. MYSTAL:**

(Not present).

**MR. LAUBE:**

17.

**LEG. COOPER:**

Mr. Chair, I'd like to make a motion to take out of order IR 1025, please under Public Safety.

**LEG. VILORIA•FISHER:**

I'll second that.

**P.O. LINDSAY:**

Okay. We have a motion to take 1025 and it has been duly seconded. All in favor of taking it out of order? Opposed? Abstentions?

**1025. Adopting a Local Law to prohibit registered sex offenders from residing near schools, day care centers and playgrounds.**

**LEG. COOPER:**

On the motion.

**P.O. LINDSAY:**

Now we need a motion to approve.

**LEG. COOPER:**

Motion to approve.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Romaine.

**LEG. COOPER:**

On the motion.

**P.O. LINDSAY:**

Why are we taking this out of order.

**LEG. COOPER:**

Because our friends in the media are here.

**LEG. HORSLEY:**

An honest answer.

**LEG. COOPER:**

That's the honest answer. If you gave me some more time, I could come up with a better answer, but that was the honest answer. On the motion, we have an opportunity here as a body to take an important step today to protect children in Suffolk County from dangerous sexual predators. Many, if not most of us, have kids. I have five kids. And I fully understand that we as parents can never be certain that our kids are always 100% safe.

By enacting this legislation, we will prohibit convicted sex offenders, Level III, Level II or Level I from moving within a quarter of a mile of any school, day care center or playground in Suffolk County. I know that I as a parent will sleep a lot better tonight knowing that a convicted sexual predator will no longer be able to live near a school where my children are attending or a park where my kids are playing. I think this sends a very important message, but more importantly, I think that this is an important step that we can take today to protect the children of Suffolk County.

**P.O. LINDSAY:**

Anybody else want to comment on this? All in favor? Opposed? Abstentions?

**LEG. SCHNEIDERMAN:**

Cosponsor.

**LEG. LOSQUADRO:**

Cosponsor, Mr. Clerk.

**MR. LAUBE:**

Legislator Lindsay, who was the motion, for the record.

**P.O. LINDSAY:**

Motion was Legislator Cooper, Romaine was second.

**LEG. ALDEN:**

Cosponsor.

**MR. LAUBE:**

Everybody on the bill, all cosponsors.

**P.O. LINDSAY:**

Call the vote.

**MR. LAUBE:**

17.

**LEG. COOPER:**

Thank you very much.

**P.O. LINDSAY:**

Going back to the agenda. I want to make a motion to reconsider

1065, I'm on the prevailing side, that we can record Legislator Montano's vote on that. He was out of the room.

**LEG. SCHNEIDERMAN:**

Second. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

You're opposed to reconsider?

**LEG. ALDEN:**

To reconsider, no. Motion to approve by Legislator Vilorio•Fisher, seconded by Legislator Horsley. All those in favor? Opposed?

Abstention?

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. ROMAINE:**

I'm abstaining on that.

**P.O. LINDSAY:**

Do you have it?

**MR. LAUBE:**

Let's go over it again.

**P.O. LINDSAY:**

Okay. Legislator Caracappa, Legislator Alden, Legislator Barraga, opposed.  
Abstentions are Losquadro, Schneiderman and Romaine and Kennedy and Nowick.

**MR. LAUBE:**

Ten.

**P.O. LINDSAY:**



**1115. Designating March 2206 as the thirty day period within which a land owner may submit a request for inclusion of land that is predominantly viable agricultural land within a certified agricultural district and designating January as the annual enrollment month starting in 2007.**

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro. On the question? Nothing? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1125. Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership of the Sposato property, Town of Shelter Island.**

**LEG. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine, seconded by Legislator Schneiderman. On the question. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1127. Authorizing acquisition of land under the Suffolk County Save Open Space,**

**Farmland Preservation and Hamlet Parks Fund Open Space component  
Kempinskiv property • Forge River Watershed • Town of Brookhaven.**

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro. On the question, all in favor? Opposed?  
Abstentions?

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1128. Authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Funds • Open Space Component • Berkowitz property • Mastic/Shirley Conservation area Phase I, Town of Brookhaven.**

**LEG. BROWNING:**

Same motion.

**LEG. LOSQUADRO:**

Same second.

**P.O. LINDSAY:**

Motion by Legislator Browning, seconded by Legislator Losquadro. All in favor?  
Opposed? Abstentions?

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1129. Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • for watershed and/or estuary protection • for the Anita Kaufman Family Partnership and Joseph Teller as tenants in common property •**

**Mud Creek, Town of Brookhaven.**

**P.O. LINDSAY:**

Motion by Legislator Eddington, seconded by Legislator Losquadro. On the question. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1135. Amending the 2006 Operating Budget to improve program accountability for Cornell Cooperative Extension.**

**LEG. BROWNING:**

Motion.

**LEG. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning, seconded by Legislator Vilorio•Fisher. On the question, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

**1137. To a appoint member to the County Planning Commission (Adrienne Esposito).**

**P.O. LINDSAY:**

Do I have a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, second by Legislator Horsley. On the question, Legislator Kennedy.

**LEG. KENNEDY:**

I'm trying to pull up the resolution now. I'm just curious. I don't have it in front of me, so I don't know, what is it that •• what category is it that ••

**LEG. VILORIA•FISHER:**

Villages. May I, Mr. Chairman?

**P.O. LINDSAY:**

Go right ahead.

**LEG. VILORIA•FISHER:**

She is representing Villages of Under 5000 Population •• I'm sorry over 5000 Population.

**LEG. KENNEDY:**

Her predecessor, as a matter of fact, from the Village of Northport, I know, is very involved with the Village Association. As a matter of fact, I had the opportunity many years ago to work for her. We all know Ms. Esposito's qualifications in the environment. And certainly I think that, you know, she is more than competent and able to go ahead and address the issues that we're •• her expertise falls in. I'm just curious, at the committee meeting, what issues did she bring forward of concerns to villages here in the County of Suffolk? I was not on the committee, so I didn't have any opportunity to go ahead and hear any of the discourse or the dialog.

**LEG. VILORIA•FISHER:**

Actually, we did not address that in the committee regarding villages. If I recall, Legislator Romaine?

**LEG. ROMAINE:**

Yes. I specifically asked the question of Ben Zwirn at the committee of what she was representing ••

**LEG. COOPER:**

Was she at the committee?

**LEG. SCHNEIDERMAN:**

Yes, she was at the committee meeting. While I feel that she's very qualified in certain aspects of her profession, I asked what she was representing. It was the villages. I asked if the Village Association, Mayors Association of Suffolk County had in any way been consulted or spoke to or at least been given the courtesy of a call, I was told no at that time.

**LEG. KENNEDY:**

I'm looking in the audience, I don't see Mr. Zwirn here.

**P.O. LINDSAY:**



Here he comes. Mr. Zwirn, your presence is requested again. I think we should get you a stool, a big stool, and you could just sit there.

**MR. ZWIRN:**

A bar stool with a little gimlet would be good.

**LEG. KENNEDY:**

Hello, Mr. Zwirn.

**MR. ZWIRN:**

Legislator Kennedy.

**LEG. KENNEDY:**

How are we today?

**MR. ZWIRN:**

Good.

**LEG. KENNEDY:**

I just raised the question with Ms. Esposito's appointment to the Planning Board. Based on everything that we just discussed with the two resolution that have been before us •• I think this newly adopted resolution does still speak to appointees for Villages Under and Over 5000 Population. I also see the list of qualifications is an individual with a background in environment. I see Ms. Esposito as being appointed to that category of Village of Over 5000. But what does she bring forward in the issues of villages?

**MR. ZWIRN:**

Aside from living in the village?

**LEG. KENNEDY:**

Her predecessor, Ms. Nolan, who I actually worked for at one point, was very versed, I guess, in municipal law, being an attorney and had a long standing involvement with the Village of Northport, I believe she was a member of the Village Association of Suffolk County, had advocated at multiple levels of government, state and federal for the various grant programs, funding, planning, remediation, all the other things that go on that are unique to villages here in Suffolk County and Long Island. I was not at the committee so I don't know what expertise she brings in that area.

**MR. ZWIRN:**

Well, you can Ms. Esposito. She will be here, I think, late for the public hearing on Environment and Energy, so you can ask her yourself, but her expertise and the reason she was appointed is contained in the resolution, whereas there is a desire to diversify the commission by appointing someone from a publically acknowledged environmental organization. I think that was one of the qualifications, perhaps one of the major qualifications, which qualified her for this appointment.

**LEG. KENNEDY:**

I'm not disagreeing with you nor to her background or qualities, and I think, you know, she's been a stellar advocate for the environment, and we see that across the board. But I'm speaking to this appointment, which is an appointment of an individual bringing forward, I guess, knowledge, background or ability vis a vis villages. So my question goes to where is that expertise in that?

**MR. ZWIRN:**

If you're looking for expertise in municipal law with respect to villages, that wasn't a criteria. I don't know exactly what kind of expertise from a village that you're looking for. What in particular is it that's your desire? What kind of expertise ••

**LEG. CARACAPPA:**

Workforce housing.

**LEG. KENNEDY:**

I think that villages throughout Suffolk County •• I mean ••

**MR. ZWIRN:**

She's served on CEQ. I mean, she's served in a governmental capacity. You see her work.

**LEG. KENNEDY:**

We are of the same mind when it comes to environment, absolutely, positively. There's no point in asking the question again ••

**MR. ZWIRN:**

I'm just saying that's the best I can answer the question without you asking her in particular, but then you vote on the merits of the appointment. Whether it would be a recommendation from a Town Supervisor or a recommendation from the County Executive, you have to judge each individual on their merits. And if you find it objectionable that she hasn't served in village government or there's some qualification that she lacks, then you vote the way you have to vote.

**LEG. KENNEDY:**

Please don't put words in my mouth. I'm not saying that it's objectionable. What I'm asking is I'm asking based on what •• what expertise and qualifications did the County Executive put her forward, based on her appointment being associated with villages, not with environment? With environment, I think it would be asked and answered.

**MR. ZWIRN:**

Well, I think that was her qualification for this position, somebody from an environmental group that was well recognized and her background in CEQ. I mean, she's been before this Legislature on numerous occasions. I don't know what else I can give you. I don't know what you are looking for in particular. I don't know of any specific qualifications in the village.

**LEG. KENNEDY:**

I guess what I would say is that apparently there was •• well, I know Legislator Romaine raised the question in commission, though the Chair of the Commission •• Committee didn't acknowledge that there was any kind of dialog per se associated with issues associated with the village. I'll just point it out to my colleagues, that's all.

**P.O. LINDSAY:**

Legislator Caracappa.

**LEG. CARACAPPA:**

Ben. Mr. Zwirn. Would you know if Ms. Esposito is still a paid lobbyist for her special interest group for the State of New York?

**MR. ZWIRN:**

No. I don't know if she was ever a paid lobbyist.

**LEG. CARACAPPA:**

She is. She is. And is the County Executive comfortable with putting someone on the commission, as valuable it is to not only Suffolk County Government, but the residents of the County, who has basically a one•dimensional approach towards what her view will be on this Planning Commission? And, again, one that is paid to advocate a certain position, is the County Executive comfortable with that?

**MR. ZWIRN:**

I think if she has a conflict on a particular matter that comes before the Planning Commission of Suffolk County, she will recuse herself.

**LEG. CARACAPPA:**

Which most likely will be just about everything that comes before them based on her advocacy, which is a wonderful advocacy on behalf of the environment. But, again, I think this appointment is the County Executive and maybe other people catering to a certain element in this County, a certain group of people being environment advocates, which is all well and good, I guess, if that's your angle. But you are starting to create a conflict right out of the gate with Ms. Esposito in this position, not only based on what Legislator Kennedy said, but also based on what I'm providing to you now. She is a paid lobbyist with a paid point of view, and we're going to tell her to sit on the Planning Commission and be objective. Just as she couldn't be objective on CEQ, she can't be objective on the Planning Commission. This is ridiculous.

**MR. ZWIRN:**

Through the Chair. I mean one of the other appointments that was made by the County Executive made that was approved by the Legislature was Ed Pruitt who was from the Hauppauge Industrial Association, I mean, what has a very different perspective. I mean, that was the whole idea of ir 1065, to get different points of view before the Suffolk County Planning Commission. Somebody could make the argument, well, he work for the Industrial Park Association, he's got a commercial vent. Well, I think we're trying to get •• I think why it was so important to pass that bill was to try to get balance.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Mr. Zwirn, I know there has been repeated requests and the points that Legislator Caracappa raised have been raised before. Do you know, one, if a ruling was made by the Suffolk County Ethics Commission; and number two, if it was, what was that ruling based on •• because quite frankly, as you well know, lobbying exists on a different level in terms of potential conflict and someone's private business ventures. Even the mere appearance of impropriety in government can damage relations severely. So are you aware of any rulings that were made?

**MR. ZWIRN:**

Not personally, no.

**LEG. LOSQUADRO:**

Was a ruling made.

**MR. ZWIRN:**

I believe there was a ruling made that was •• that said there was no conflict, but I'm not ••

**LEG. LOSQUADRO:**

You think, but...

**MR. ZWIRN:**

I didn't see it. You know, nobody sent me a copy of the decision.

**LEG. LOSQUADRO:**

But a ruling was made?

**LEG. CARACAPPA:**

I don't think so.

**P.O. LINDSAY:**

I think I have seen the rulings. I don't have it at my fingertips.

**LEG. LOSQUADRO:**

I did not have an opportunity to review any such ruling. That's why I'm asking is that I'm not even aware that a ruling exist.

**P.O. LINDSAY:**

If I may exercise the prerogative of the Chair, and I do have Legislator Kennedy, but on the Planning Commission, I mean, you could really make a case that almost everybody



we appointed there would have some conflict. I mean, we appointed someone that was a representative labor organizations, we appointed, certainly, attorneys that have land use practice or real estate interests.

**LEG. LOSQUADRO:**

Mr. Chairman, if I may. Everyone has to adhere to a certain code of conduct. I know I had to sign disclosure statements when I worked in the private industry because I had family that was in the same business in which I worked. But I do believe that a paid lobbyists rises to a different level when dealing with other levels of government. And that's why I believe a ruling was requested by the Ethics Commission, but I am not aware that one was ever given. And if it was, I certainly have not seen it. So I just think in this instance, it did rise to that level that a ruling was requested. I'm just asking what that ruling was.

**P.O. LINDSAY:**

I believe, Ms. Esposito forwarded a copy of that to myself. Again, I don't have it with me, but I believe it stated they did not see a conflict.

**LEG. LOSQUADRO:**

That would be fine. I would just like to see that ruling, have an opportunity to review it.

**LEG. CARACAPPA:**

Motion to table.

**P.O. LINDSAY:**

We have a motion to table by Legislator Caracappa. Do we have a second to that?

**LEG. LOSQUADRO:**

Until such time as I can review the ruling from the Ethics Commission, I will support the tabling motion. I'll second that motion.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro, a tabling motion. On the question of tabling, do you still want to talk, Legislator Kennedy?

**LEG. KENNEDY:**

Again, I guess, I'm just going to share •• I mean, the administration has offered that Ms. Esposito would have an opportunity, I guess, later on today she's expected to be here, to discuss some of her qualifications, background and merits.

**P.O. LINDSAY:**

Can I just establish something? Ms. Esposito was at the committee meeting the other day. And it was on that Thursday where the committees got backed up, she availed herself all afternoon, sat in the room, and the committee really didn't ask her any questions. She come to me afterwards and asked if she should come to the General Session. I said, the practice has been that if you go to committee that you are not requested. And if somebody wanted her here today, you know, blame me for her not being here.

**LEG. KENNEDY:**

Mr. Chair, it's not an issue of blame, I guess. Certainly, again, I do not want to portray this or characterize this as something where I feel that she is unqualified in order to go ahead and fill the position on the Planning Board. I've said already that clearly her background and experience and expertise in environmental advocacy speaks for itself. I merely raise the generic question associated with her abilities vis a vis advocacy for villages or knowledge of villages.

**P.O. LINDSAY:**

Legislator Kennedy, I think maybe some of it is a misunderstanding of the bill we just passed. The bill we passed, 1065, laid out geographical boundaries that someone has to come from each one of the ten towns, someone has to come from Villages over 5000, someone has to come from Villages under 5000, and the three appointments from the County Executive. That doesn't necessarily mean that they're an expert in advocacy for the village or for the town, but that they would fit into other categories that are a cross section of our community, of our citizens. So I think maybe you're getting the geographic boundaries mixed up with the qualifications that were outlined in 1065.

**LEG. KENNEDY:**

Again, I think even under the prior composition, though, Mr. Chair, if I understand it, folks that filled particular categories did so, I guess, with the ability to go ahead and bring some level of concern, understanding or representation, if you will, for a village, be it a larger or a smaller village. So I see that as something that actually is the same in the prior composition and this current bill. I don't want to beat a dead horse, but, I guess, my question is just as to her, you know, background or expertise.

**P.O. LINDSAY:**

And you don't want to beat a dead horse just before lunch. Legislator Cooper.

**LEG. COOPER:**

Just for the record, you know, it was about six or eight weeks ago, but I did get a copy of the letter that Adrienne Esposito received from the Ethics Commission where they concluded that there was no conflict of interest. And I know I have a copy at my district office, so if you would like, I can see if they can find that and fax it over. Alternatively, we can ask Adrienne to bring a copy with her. But I did see it myself, and it was a letter saying no conflict.

**P.O. LINDSAY:**

We have a motion before us and a duly second to table this. Does anybody want to speak on that?

**LEG. CARACAPPA:**

I'll withdraw it.

**P.O. LINDSAY:**

You withdraw that. Okay. We have a motion and a second. Anyone else want to speak on the motion or the second? All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

I'll abstain.

**P.O. LINDSAY:**

Legislature Caracappa is opposed. Legislator Alden abstains, Legislator Kennedy abstains.

**MR. LAUBE:**

15.

**P.O. LINDSAY:**

With that, we are adjourned for lunch.

**LEG. NOWICK:**

Mr. Chair, very quickly.

**P.O. LINDSAY:**

Before we adjourn?

**LEG. NOWICK:**

I just wanted to do this before lunch. Just quickly, I have a question. Back in December, this Legislature passed a resolution requesting from the County Department of Law to consider the feasibility and advisability of instituting legal action that may be available to seek recovery for excess monies paid to asphalt companies as a result of bid rigging. There was a 30 day time limit there. Did you or did anybody or did a committee, did anybody ever hear from the County Attorney on this, because I'm sure the 30 days has elapsed?

**P.O. LINDSAY:**

The one thing I do know is the 30 days has elapsed.

**LEG. NOWICK:**

I thought maybe you might have heard something.

**P.O. LINDSAY:**

Could we take this up later in the day?

**LEG. NOWICK:**

That's why I mentioned it before lunch. I just thought we could get a report, because this is of concern to us.

**P.O. LINDSAY:**

Okay. And it's a legitimate concern. So if the Legal Department would avail themselves later this afternoon, I'd be appreciative of that. If there is no other objection or question, we stand adjourned until 2:30 when we have the public hearings.

**(\*THE MEETING WAS RECESSED FOR LUNCH AT 12:36 P.M. AND RESUMED AT 2:30 P.M.\*)**

***[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]***

**P.O. LINDSAY:**

Okay. We'll call the meeting to order. We have a number of public hearings. Mr. Clerk, have they been advertised correctly?

**MR. LAUBE:**

Yes, they have. I have to do roll call, too.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. EDDINGTON:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. CARACAPPA:**

(Not Present)

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Present.

**LEG. MONTANO:**

Present.

**LEG. ALDEN:**

(Not Present)



**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

**LEG. VILORIA•FISHER:**

(Not Present)

**P.O. LINDSAY:**

Here. Okay. The first one on the agenda is ***Authorizing ••***

**MR. LAUBE:**

15. (Not Present: Legs. Caracappa, Alden and Viloría•Fisher)

**P.O. LINDSAY:**

***•• alterations of rates for the Sayville Ferry Service, Inc. For cross bay service between Sayville, New York, and the Fire Island communities of Fire Island Pines, Cherry Grove and Water Island.*** I don't have any cards. Is there anyone here that would like to speak on the rates? I am informed that we cannot close the hearing because we are still waiting for the report from Budget Review to be circulated, so I'll make a motion to recess.

**LEG. MYSTAL:**

So moved.

**P.O. LINDSAY:**

Second?

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Mystal. All in favor? Opposed? Abstentions? Next is ***I.R. 1048 • A Local Law strengthening the procedures ••***

***MR. LAUBE:***

15. *(Not Present: Legs. Caracappa, Alden and Vilorio•Fisher).*

**P.O. LINDSAY:**

***•• and remedies of the Suffolk County Human Rights Commission.*** And, again, let me see, I don't have any cards. Would anyone like to speak on I.R. 1048?

**LEG. MYSTAL:**

Motion to recess.

**P.O. LINDSAY:**

The sponsor has made a motion to recess.

**LEG. MONTANO:**

I'll second it.

**P.O. LINDSAY:**

Seconded by Legislator Montano. All in favor? Opposed? Abstentions? Next is ***I.R. 1068 • A Charter Law creating a County Department of Environment and Energy.*** And we have several cards. First up is Pete Quinn.

**MR. QUINN:**

Good afternoon, members of the Legislature. It pays to have a pretty good history, and I have been involved with environmental issues and energy issues for a long time. I first proposed and went around to get ten Legislators to support a limited asset acquisition of LILCO back in the early '80's for one billion dollars and put it on a referendum, and I got ten Legislators to agree to do that. Only two of them backed off when William Catacosinos said it would cost 11 billion dollars. We wanted to do a limited asset acquisition without Shoreham, just buy all the other equipment and the customers. I

remember in the •• I was a plaintiff in the RICO lawsuit in the '90's, and I remember when Paul Harenberg decided to create LIPA and help write some of that legislation. We wanted an elected board. Neither Cuomo nor Pataki agreed to it.

And I •• and for those of you who have concerns with 1150, and concerns about creating a doctor who is more involved with cancer research, let me remind you that Steve Englebright proposed legislation before the Assembly several years ago in which he called for an 11 •• 11 digit code and thousands of carcinogens that would be examined in the research. The Senate on the other side proposed a five digit code and only 100 carcinogens. Well, it's •• one need not examine that. You can do far more chemical analysis of compounds when you use a nine digit code to determine what causes cancer.

And I can remember trying to get this Legislature through a referendum to oppose the takeover of LILCO by LIPA in gathering •• our group gathered over 55,000 signatures and one Legislator wouldn't come to the Legislature that day from Smithtown. Then another time when we brought it up, another Legislator, who's not here, from Aquebogue who decided to go in the back room in the Riverhead horseshoe and didn't come out for the vote. And I remember last year that we had Legislators •• Legislator Cooper proposed legislation to spend 5 million dollars, copy•catting Legislator \\_Dennenberg's\\_ resolution in Nassau to spend

5 million dollars over five years on alternate energy efforts. And not to be outdone, Legislator Schneiderman introduced legislation to essentially cover the same amount of money, but because the Republicans were in control at the time, they knew they couldn't get their vote passed the County Executive without a veto. And the Democrats couldn't get their vote through a Republican•controlled Legislature, so they compromised. They passed both pieces of legislation and both of them were totally adequate to provide for future energy concerns, considering what LIPA has done.

LIPA, you should know, seven•and•a•half years ago took over LILCO for 7.2 billions

dollars. You know what their debt is today? Seven billion. They paid the principal only 200 million dollars, and when I brought that to the attention of LIPA's Board, the CFO, \\_Libby McCarthy\\_ , said, "But, Peter, you don't understand, this is like a mortgage." I said, "Ah, there's one critical difference. A mortgage, people get to live in their home and move around on the property." In contrast, LIPA has said, "Okay, ratepayers, you're paying back over 500 million dollars each year in debt service and amortization." What does that mean? It means, to date, we have paid close to 4 billion dollars to bondholders, to financial institutions, and the companies that •• on Wall Street that brokered the deal. Now, that means that we have been paying all of that money, nearly 4 billion dollars, without getting a kilowatt of electricity. And I see this new department as a means of overcoming some of the issues that have faced Long Island in the past, both in the environment and on energy use.

Now, consider what LIPA did last week. They decided to take our money and throw it at Brookhaven Town and two school districts. Why? To bribe public officials and energy environmentalists, and so on, to allow Caithness, a private company, to set up in Yaphank. Now, some of you may have forgotten, it was not too many years ago that LILCO charged Brookhaven and the Shoreham Wading River School District for overassessing the Shoreham Nuclear Power Plant, and when that happened they went to court. When LIPA took over LILCO, LIPA went to court.

**P.O. LINDSAY:**

Peter, this is fascinating, but you have to sum up, you used up your five minutes.

**MR. QUINN:**

I thought I had ten. When did they change it?

**P.O. LINDSAY:**

No, it's been five.

**MR. QUINN:**

Oh, I would have readjusted it. I apologize. Well, let me explain that when LIPA took over, they said you can't damage Nassau and Queens ratepayers, so we ended up footing the bill. There's 2% on everybody's bill that pays for the overassessment in Brookhaven. Now we're giving the money back to Brookhaven. Are any of you going to step up, or are you all supporting the Yaphank Caithness plant? Are you going to step up and say, "Wait a minute, LILCO, you can't do •• LIPA, you can't do this"? And they're also overcharging us in their Ratepayer Adjustment Protection Plan, which is really a bondholder's protection plan. And I'd be happy to talk with any one of you Legislators about how we can remedy that.

**P.O. LINDSAY:**

Thank you, Peter.

**MR. QUINN:**

Thank you very much.

**P.O. LINDSAY:**

Thank you. Your memory is really exceptional. You probably know where some bodies are buried around here, too. Kevin Rooney.

**MR. ROONEY:**

A copy of my statement and a more comprehensive position paper, which is attached to it, has already been circulated to all Legislators.

Presiding Officer Lindsay, members of the Legislature, my name is Kevin Rooney. I am the Chief Executive Officer of the Oil Heat Institute of Long Island, a nonprofit trade association representing the heating oil and distillate fuels industries in Nassau and Suffolk Counties.

I rise to speak today in support of Introductory Resolution 1068. I should state at the outset that, normally speaking, we are philosophically disinclined to support an expansion of either the scope or structure of government without good cause. When, however, our long-term energy security, environmental protection, and economic vitality rests upon decisions made now in the present, then exceptions must be made. In our opinion, the creation of a Suffolk County Department of Environment and Energy is such an exception.

Absent decisive action in the near term, Long Island will soon experience the first of what may well turn into a series of energy supply crises. Residential, commercial, industrial and institutional demand across the entire energy sector continues to increase at rates which are oftentimes well above state and national averages. At the same time, Long Island's installed energy capacity and energy supply infrastructure remain severely stressed at times of peak demand with only marginal reserve capability. In short, the overall energy infrastructure of Long Island is any one of a series of potential disasters simply waiting to happen.



All too often energy supply and demand issues are considered in a vacuum when, in fact, a far broader view is needed. The entire complex of Long Island's energy infrastructure must be considered from a macro economic viewpoint rather than analyzing the supply/demand characteristics of a particular energy source in a piecemeal fashion. Everything is interrelated. Everything, and that also includes environmental analyses and land use policies, has to be considered in its entirety. But what entity exists that has the capability to conduct such a broad scope review and analysis? For Long Island in general, and Suffolk County in particular, the answer is quite simply none.

The next decade or so will see a sizable number of major infrastructure projects undertaken on Long Island to meet our continually expanding energy needs. These include, but are not limited to, the repowering of the existing electric generating facilities where economically and environmentally feasible, the construction of new electric generating facilities, whether large base-load power plants, small localized generating units, or peaking units, all of which will be fossil-fueled, that is using residual oil, natural gas or diesel fuel; off-Island electric tie-ins and an expansion and upgrading of the existing transmission and distribution system; the development of various alternative energy production facilities, wind farms, solar, biomass and biofuels processing plants; natural gas pipelines, primarily to fuel new base-load and other electric power plants, and the possibility of major liquified natural gas facilities; petroleum barge and storage facilities, possibly including additional off-shore platforms, pipeline tie-ins, and either waterfront or in-land terminals, all of which will be needed to continuously supply the 4 billion gallons of petroleum products consumed on Long Island each and every year.

All of these energy infrastructure projects of necessity must entail a comprehensive environmental review and analysis, since mitigating against any negative impacts to our overall environmental quality is a critical aspect of energy • any energy infrastructure needs projection.

In light of the potentially enormous scope and complexity of the many issues which these various energy projects will raise, siting, licensing, land use, health, transportation, safety

and the environment, the government of Suffolk County faces a dilemma. Under a worst case scenario, the interests of the County and its residents will be consigned to a secondary status, i.e. that of a host community for energy projects whose concerns are ignored and whose local ability to significantly impact the regulatory process is largely preempted by federal and state authorities. On the other hand, a compelling case can certainly be made that a Suffolk County Department of Environment and Energy, a single agency with broad, clearly defined jurisdictional authority, would have legal standing to ensure that the overall interests of County residents are factored into the regulatory decision-making process.

**P.O. LINDSAY:**

Could you sum up, Mr. Rooney?

**MR. ROONEY:**

In summary, thus armed, the County Department of Environment and Energy would clearly establish both its legal standing and its economic interests as a formal intervenor in the regulatory process, serve as a conduit for all information relating to proposed energy projects, siting and licensing activities and environmental assessments, act as an ombudsman for all interested parties to ensure an expedited regulatory process, and lastly, serve as a mediator for all parties, energy suppliers, environmental groups, labor unions and local governments to potentially resolve policy differences prior to the initiation of legal action.

Now is not the time for short-term parochial or partisan thinking. Over the course of the next decade, critical choices must be made to ensure both the energy supply reliability and environmental protections necessary to sustain the continued economic vitality of the region. In our opinion, the government of Suffolk County must make a decision. Either it will lead this overall effort and become a significant and meaningful player in the regulatory process, or it will be consigned to marginality. The choice, Ladies and

Gentlemen, are yours. And thank you, Mr. Presiding Officer, for the extra time.

**P.O. LINDSAY:**

Thank you Mr. Rooney. Richard Amper.

**MR. AMPER:**

Mr. Chairman, members of the Legislature, my name is Richard Amper. I'm Executive Director of the Long Island Pine Barrens Society. It will take us a little bit less time than the folks from the oil industry to make our position clear.

Our organization strongly supports the creation of the Department of the Environment in Suffolk County government. After many months of study, we are persuaded that the consolidation of government functions associated with the environment makes economic sense, even as Suffolk's environmental benefits •• environment benefits from its prioritization among government functions. In fact, the creation of a Department of the Environment is the next logical step in this County and this Legislature's long commitment to matters such as drinking water protection and open space preservation.

With fewer than nine years remaining before a final build•out of Long Island, environmentalists agreed about the need to preserve 25,000 additional acres of open space and 10,000 acres of farmland before the cost of the land grows higher or the land is lost forever to development. Reforms to the way land is purchased implemented by the Executive Branch and this very Legislature have dramatically increased Suffolk's capacity to address the rate of overdevelopment and the high taxes for government services associated with overdevelopment. Then there's the survival of the Island's number one industry, tourism, and retention of Suffolk as the state's largest agriculture producing county in dollars. So whether you're looking at the economic or environmental

benefits of streamlining preservation and other government services, the proposed Department of the Environment makes dollars and sense.

The Pine Barrens Society is happy to make its resources available to this Legislature and to the Levy administration to ensure a smooth transition toward improved government where the environment's concerned. We've all had plenty of time to debate the pros and cons of this proposal. It's time for bipartisan action to make a Department of the Environment of Suffolk a reality at last. Thank you very much.

**P.O. LINDSAY:**

Thank you, Mr. Amper. Mitch Pally.

**MR. PALLY:**

I was going to say nobody writes like Kevin Rooney writes, so whatever he said, I agree with.

We are here to support once again the creation of this department. We think it provides coordination throughout Suffolk County government, makes it easier for open space acquisition, the formation of energy policy, land use planning, the development of workforce housing, which, as you know, is our number one issue, and brownfield redevelopment, and will make it easier for the business community to work with Suffolk County on all of the issues relating to these issues, because many times our business community needs permits, they need assistance. Whatever it may be that they need from Suffolk County, the formation of this agency and department will make it easier for all of that to happen together. So we have strongly supported the consolidation of this into one department for a number of years and we do so again.

I will also speak on behalf of the Suffolk County Electrical Agency, of which I am the Chair, and we also support the development of this department to make it easier for our agency to interact with all the different parts of Suffolk County to make sure that the Electrical Agency is providing the power that we get from New York State to the companies that are supporting those efforts for job creation and job retention. So with that, we have indicated our support and we would urge the Legislature to do this as quickly as possible. We think it will make for a better and more efficient Suffolk County government. Thank you.

**P.O. LINDSAY:**

Thank you, Mitch. And the last card on this is Cheryl Felice.

**MS. ESPOSITO:**

Did you get my card?

**P.O. LINDSAY:**

I didn't get it.

**MS. ESPOSITO:**

Oh, okay. Can I speak anyway?

**P.O. LINDSAY:**

I got word that Cheryl had to leave the room. Am I right, Sandy?

**MS. SULLIVAN:**

She's running quite late.

**P.O. LINDSAY:**

Okay. Why don't you come up, Adrienne, if you would like to speak on this issue, and we'll give Cheryl a few more minutes to get here.

**MS. ESPOSITO:**

Good afternoon, members of the Legislature. My name is Adrienne Esposito with Citizens Campaign for the Environment. And I think it's worth noting here we should reflect that on today, February 7th, the Oil Heat Institute, Long Island Association, Citizens Campaign for the Environment, and the Pine Barrens Society all agree. That's not a frequent thing and I'm a little weak in the knees. But we are here also to support the passage of the resolution and to create the new Environment and Energy Department in Suffolk County, and the reason for that is, frankly, quite simple. Gone are the days when we look at environment over here, energy over here, and public health, yet again, somewhere else. The new science tells us and our new and growing understanding tells us that the issue •• these issues are not only related, but they are sometimes one in the same. And so that this creation of the new department will streamline this approach and create a greater efficiency for the members of the public, for this Legislature, and also for County government in general.

And I can tell you from my own experience, working on these issues over the last 20

years, there have been problems with the current way that it's settle up. To give you one quick example, with the remediation and the cleanup of the Peconic River, something very important in Suffolk County. The Suffolk County Health Department had one position, a very good position I may add, for full cleanup. Then the Parks Department, without knowing the Health Department's position, had a different position on the remediation of the Peconic River, and yet, again, this was many years ago, a representative from the County Exec's Office at that time had still another position on the cleanup of the Peconic River. So we had three different levels of government. This Legislature created a community oversight committee to oversee cleanup of the Peconic River and there were four different things out there from one County government. So this would help •• this creation of this department would streamline the •• this issue and also create a greater efficiency. We believe it will better serve the public, be better for taxpayers as well, so there isn't overlapping, and that's what we all want, great efficiency and more productive work. Thank you very much.

**P.O. LINDSAY:**

Is there anyone else in the audience that would like to speak on 1068? And I'll •• is Cheryl Felice in the room yet?

**MS. SULLIVAN:**

No.

**P.O. LINDSAY:**

No? Okay.

**LEG. VILORIA•FISHER:**

I'll make a motion to close.

**P.O. LINDSAY:**

I'll second the motion. All in favor? Opposed? Abstentions? Closed. Hearing's closed.

**MR. LAUBE:**

17.

**P.O. LINDSAY:**

Next we have I.R. 1069 • A Charter Law to create a consolidated Department of Audit and Financial Management. First speaker is Gary Bennett.

**MR. BENNETT:**

Thank you, Ladies and Gentlemen of the Legislature, for this time. I have no political affiliation, and I supported the County Executive in his bid for that position. And while I appreciate the need to cut spending, I have to draw the line at diminishing my democratic choices when it comes to the selection of public officials. I think if we start to consolidate public officials, maybe we have to look at our next step as being this Legislature. We have ten towns here in Suffolk County, and if we look around the room here, we have quite a few of you who represent those ten towns. I'm certainly in favor of that. I don't think that Shelter Island should receive less representation than Brookhaven. And I think when we start to consolidate our public officials, you take away and diminish my ability to legislate.



I'm just a voter, I'm not •• I don't support any group. I'm one of the millions of people that put you here. We look to you for representation, because if I don't do in my own district for my own Legislator for representation, maybe there's another Legislator I can go to and get my point across to him or her.

I'm puzzled, quite frankly, at why we're looking to consolidate government when we have institutions like OTB in this county that we know are overflowing with political patronage jobs at hundreds of thousands of dollars a year for people that aren't even qualified, but, yet, this County Executive is not looking there, he's looking to diminish my voting abilities and my representation.

Democracy is not easy and at times it is costly, I think we all know that, but it's necessary. We need the conflict, we need the red tape sometimes to do the government work that has to be done. And I think that when we look at the unprecedented scandals in our school districts, accountability is what we voters are looking for, and we're looking toward you for that accountability. Now you're telling me, or the County Executive is suggesting that we do away with a piece of accountability for the sake of \$700,000 in a 2 billion dollar budget. This is a drop in the bucket, Ladies and Gentlemen, and not worth taking away the eyes and ears of the Treasury and the Comptroller working separately.

I think that those of you that may consider the fact that you don't make the ultimate decision on this, that you're only going to vote yes and then send it to referendum for the voter, you can't hide behind that cop•out, because, as you all know, the County Executive at any time, just like the President of the United States, has the momentum of the people and the voice of the media at any given moment in time, whereas the Treasurer or the County Comptroller doesn't have that access. So an overburdened taxpayer like myself, it's very easy for me to hear the County Executive's voice without hearing the other side of the coin. That's where you come in. That's why we rely on you. We rely on your vote against my better judgment, because I may be ignorant of all the facts. I depend on all of you to know all the facts and to vote on the facts, and not political partisan.

It's very important that you each and every one of you make a clear statement that democracy in Suffolk County is not for sale. We're not going to save money on the backs of the voters and their ability to vote for an individual that is protecting their rights. I want to call the Treasurer up and tell them they're doing a good job or a bad job. I want to call the Comptroller up, tell him or her they're doing a good job, bad job. I don't want an appointee hanging up the phone on me because they only have to answer to the County Executive.

I would like you all to send a clear message by being unanimous in this vote and vote no. Turn it down. We don't sell our democracy in this County. Thank you very much.

**P.O. LINDSAY:**

Thank you, Mr. Bennett. Next is Angie Carpenter, our Treasurer.

**MS. CARPENTER:**

Good afternoon, Mr. Presiding Officer and members of the Legislature. This is kind of weird, but happy to be here. You know, unlike the previous hearing, which spoke to the sense that consolidation made for energy and environment, I'm here to say to you that it certainly does not make sense for the Office of the Treasurer and the Comptroller.

I'd like to begin by talking about the staff at the Treasurer's Office and how incredibly impressed I have been at their work ethic, their dedication to the taxpayers of this County, and the fact that they know what they're doing. They're extraordinarily qualified and very, very dedicated. Now, when I was preparing some remarks, which is not something I normally do, but this is a very important issue, I reviewed the Legislative

intent of the resolution and it speaks to how the legislation will encourage communication and cooperation. We have it. It talks about the creation of streamlined Department of Audit and Financial Management, that it will enhance effective administration and the monitoring of financial activities. And I say to you it would not enhance financial activities, because you'd be putting it all under the hands of one elected official. The Legislative intent says it would result in economies of scale. In fact, that was mentioned in the preview to the financial impact statement. The consolidation of functions, increased application of computerization, more timely cash flow analyses. Without any documentation, this was thrown out there. I will tell you that a cash flow analyses in the Treasurer's Office is done daily and E-mailed to the appropriate parties. The consolidation of functions producing savings, that's illusionary and deceptive to say the least, because the functions by both departments will still have to be performed and supervised, and supervised in two different locations, 25 miles apart.

People say, "Well, what does a Treasurer do, what does a Comptroller do?" They are so very separate and distinct, and I'm going to run down quickly a list of some of the •• some of the responsibilities of the Treasurer. The Treasurer is responsible for the collection of delinquent property taxes, for the refund of paid taxes pursuant to small claims and tax certiorari, the taking of tax liens and deeds under the Suffolk County Tax Act. The Treasurer is, in essence, the County's banker and cash manager, responsible for the investing and accounting of hundreds of millions of dollars, responsible for trust and agency accounts, bail from the courts, is responsible for verifying all County departmental accounts for compliance with the County SOP, to reconcile and review all the interest on the various County accounts, to administer and collect the hotel/motel tax. And just recently, at the end of the year, we gave more powers to the Treasurer's Office to make sure that there was compliance with hotel/motel tax. The disbursement of the mortgage tax to the towns and villages, and they were very happy just about a week ago when they all got their mortgage tax checks.

The Record Room is part of the Treasurer's Office and that is the first contact that taxpayers have when they are delinquent, and there are months in the years when it averages about 6,000 calls a month, and this is the unit that has to do with due diligence in this whole process of taking a property. The Bankruptcy Unit, all properties in

bankruptcy, whether they be commercial or residential. All that work, working in conjunction with the County Attorney, is done in the Treasurer's Office.

The Tax History and Tax Sale unit, they are constantly verifying and validating the data of the tax history system interfacing with the County Assessors of the ten town •• the ten towns in the County and the Tax Receivers. The redemption and the tax sale advertising is also done by this unit. And I would like to use this opportunity to highlight an employee, actually the supervisor of that unit, who cared enough to question why, when we're advertising the tax liens, that there's this much information that has to be advertised. Couldn't we do less? And her questioning, her not settling for the status quo, working with the County Attorney's Office, yielded, over the last two or three years, a savings of a half a million dollars in what we actually pay to advertise those tax liens.

This legislation is riddled with a lot of pitfalls. The diminishing of checks and balances is really the most critical point that we need to remember. Segregation of duties is an important principle in the world of finance. One individual should not be in the position to initiate, approve and review.

And there is a packet that I'm going to be passing out. There's a memo from Capital Market Advisors, which is the County's independent financial advisors, and they speak to the fact of how important this checks and balances is, so I won read that quote to you. Did that buzzer go off?

**P.O. LINDSAY:**

Yes, it did.

**MS. CARPENTER:**

Oh, darn. Okay. Well, I want to also •• I will read something very quickly. "When you look at the way the current County is set up right now, you have an ideal situation from the standpoint of segregation of duties, which is one of the cornerstones of an internal control structure, building a good segregation of duties. You have a very, very effective system here." And that is a direct quote, took place last week at the Audit Committee, by the County's independent auditor, Ernst and Young.

Checks and balances are very important, and a very, very visible example that I know we can all relate to is the fact that we have two Budget Offices in this County, the County Executive's Budget Office and the Legislature's Budget Review Office. Both perform the same functions, both look at the budget, both look at the numbers, both review sales tax data, and, yet, is anyone suggesting that we combine them?

**LEG. EDDINGTON:**

Fred Pollert.

**MS. CARPENTER:**

Fred Pollert, he might. I don't think so. I don't think so. And I think in his heart of hearts he knows this isn't a good thing either. You know ••

**P.O. LINDSAY:**

Could you sum up, Ang?

**MS. CARPENTER:**

•• I won't go on.

**P.O. LINDSAY:**

Thank you.

**MS. CARPENTER:**

I will sum up, and I am sorry. But I want you to take note of a quote that will be in the front of the packet that I give you, and it's a quote by the County Executive who points to the fact that one of the proudest moments of this past year was our bond rating upgrade, and it was because of the strong financial management team we have in the County, the Legislature, the Executive, the Treasurer and the Comptroller. That was Steve Levy's message to the Legislature in his narrative in the Operating Budget this past Fall. So I will sum up, even though I have a lot more to say. Can I just say one thing quickly? I know ••

**P.O. LINDSAY:**

Legislator Nowick wants to ask you a question.

**MS. CARPENTER:**

Okay.

**LEG. NOWICK:**

Actually, I think in the last minute you just hit on it. I was going to ask you about information from bond counsel and how this affects us. And I know we spoke about it, but at the point I asked the Chairperson to ask the question, you hadn't touched on it. Can you go a little further ••

**MS. CARPENTER:**

Well, there is •• there is a memo in the packet that speaks to it, and I'm hopeful that in the next coming weeks that we will have some public testimony that is a little bit more current. But bond counsel certainly does not agree that this is a good thing.

**LEG. NOWICK:**

And do you feel that bond counsel could give us a little background on it before this comes to debate?

**MS. CARPENTER:**

I would hope so.

**LEG. NOWICK:**

Thank you.

**MS. CARPENTER:**

I would hope so, and that is something that I'm working on and asking for some time to do that.

**P.O. LINDSAY:**

Legislator Kennedy has a question.

**LEG. KENNEDY:**

Yes. Just two points, I guess, that I would bring up, Madam Treasurer. I know you've been there only a short time. There are two other Treasurer's in the office here that were past in the building. Are you •• have you had the opportunity to contrast our model of government with any of the other forms of combined fiscal function throughout the County? You're familiar with California?

**MS. CARPENTER:**

Yes, Orange County, California. And the memo that's included does speak to the fact that the model that was in place when Orange County, California went bankrupt, when the person in charge there less than judicially invested 1.6 billion dollars, or they had a 1.6 billion dollar deficit. It was after that bankruptcy that the County reorganized and went to the model that we have in place here in Suffolk County. And I do have a list included, too, of all of the counties in the State of New York outside of New York City, and 72% of the counties in the state have a separate Treasurer and elected. And it's important to note that these are •• any of those that don't have it are much, much smaller counties than we are.

And I know that there has been some discussion about the fact that Nassau County doesn't have an elected Treasurer, but Nassau County has an elected Assessor, and a



lot of the work that is done with the Treasurer's Office under the oversight of an elected Treasurer is done by an elected Assessor in the county, because we have ten individual town Tax Assessors, wherein Nassau County, they have one. And, quite frankly, I don't think Nassau County is a model for us to point to and emulate, since they are now operating under a financial oversight authority, \\_NYFA\\_.

So, speaking of oversight, in my short tenure there, looking at things in a very close fashion, that someone who has that ultimate responsibility that answers to the taxpayers has to do, I will tell you that in just two accounts, we will be yielding about a quarter of a million dollars more in interest this year, because I was focused, I paid attention, and we had the flexibility that this resolution would keep us from doing to transfer money in order to get better interest rates for the taxpayers of this county.

**LEG. KENNEDY:**

Thank you. Just one other area, I guess, that I'd ask you, and again, short time that you're there, great kudos, that we'll be getting the extra interest. That's wonderful. But also, when it comes to municipal accounting, similar to the general accepted accounting practices, there is a standard that is often set and established that needs to be adhered to. I know we had to abide by that in the Clerk's Office. Have you had an opportunity to speak with anybody from I guess it's GFOA or any of the municipal ••

**D.P.O. CARPENTER:**

Well, actually the President of •• the State President of GFOA is going to be here to speak after me, can speak to that. But, yes, when you're talking about GASBY and things like Sarbanes•Oxley, all of these things that are coming out now, looking for more transparency, more oversight, more fiscal scrutiny, and that's what we have. We don't want to diminish it, we really don't want to diminish it.

So I thank you for your attention. And I know that there's an open invitation. Any Legislator who would like to come out and see what the Treasurer's Office is doing, I think that for of you who have been there find it quite informative. It's a whole different world, and a lot busier than people would understand and appreciate. And also, you can get a sense of what it's like to work in the Riverhead County Center. I'll leave it at that.

**P.O. LINDSAY:**

Thank you. Thank you very much.

**D.P.O. CARPENTER:**

Thank you for your attention, I appreciate it. And sorry I went over.

**P.O. LINDSAY:**

That's all right. John Cochrane, our former Treasurer.

**MR. COCHRANE:**

Mr. Presiding Officer, Mr. Sawicki could go, then I'll follow him.

**MR. SAWICKI:**

Is that okay, Mr. Presiding Officer?

**P.O. LINDSAY:**

Sure. Our County Comptroller, Joe Sawicki.

**MR. SAWICKI:**

Good. Thank you. Good afternoon, Ladies and Gentlemen, Presiding Office Bill Lindsay, the entire member of this esteemed Legislature.

The proper segregation of duties is critical to any fiscally sound financial operation. And we just heard how the Treasurer collects and invests nearly 2.7 billion dollars of taxpayer's money, Suffolk taxpayer's money. That's a lot of money. And our budget size reminds us very quickly that Suffolk is indeed a very large county. Actually, based on population alone, we are the 21st largest county in the nation, and we're, in fact, larger than 12 states.

I submit to you that the Founding Fathers of our County Charter, who created and set up our government, had a definite purpose in mind when they distinctly separated our County's two major financial functions. They wisely placed such enormous responsibilities under two separately elected officials, ensuring the fiscal independence by making them answerable only to the people of this great county. One of those officials obviously is the Treasurer who collects deposits and invests our massive amounts of revenues, and the second is the Comptroller, the fiscal watchdog who audits, watches over, and accounts for all County expenses and is there to guard the County assets.

I'd like to take just a quick minute to briefly share with you the functions, some of the

detailed functions that we perform in the Comptroller's Office for this great County. Under New York State Law, I'm actually designated the Chief Fiscal Officer of Suffolk County, and pursuant to our County Chart, the Comptroller is the Chief Auditing Authority of the County. And being independently elected allows me to audit any County department or agency and to examine anywhere County tax dollars flow without fear of political or other interference. And I've made it a priority, as I think many of you know, to pursue an extremely aggressive role in auditing involved with much more high profile and far more reaching audits than this office ever has before.

We have an Accounting Department, an Accounting Division who is responsible for the preparation of our financial statements each year, and I'd like to take this quick opportunity to tell you how proud I am of our staff. We just received once again the annual award from the Government Finance Officers Association of the United States and Canada. It's called the Certificate of Achievement for Excellence in Financial Reporting for our 2004 financial statements. And another section of our Accounting Department plays a very vital role in examining and approving over 250,000 vouchers a year for payment with County monies. We're also responsible for monitoring and processing the County's payroll, which consists of almost 13,000 active County employees.

The County Executive and you, this Legislature, also directs me to be the borrowing authority of this County. Again, a recognition of the proper segregation of financial functions when the County Executive, this Legislature, the Treasurer, and our office collectively decide to borrow monies, whether it be short-term or long-term needs. But by working together, a perfect example of by all of us working together, the County Executive, the Legislature, the Treasurer, our office, we all can take to the bank and be proud of our bond credit ratings, which are well into the "A" categories from three major Wall Street agencies, and, in fact, they've gone up over the last several years several times.

The reason why I share a lot of this detail is •• with you is to simply demonstrate the

distinct differences between the functions of the Treasurer's Office and that in the Comptroller's Office. Our system of checks and balances is real and its functions work effectively. The sound financial structure that our Founding Fathers put in place works very well and I don't think anyone can really dispute it. The ideal, of course, in my opinion, is to leave well enough alone.

However, if it ultimately is the will of this Legislature and the County Executive, and ultimately the voters of Suffolk County, to merge the functions with the Comptroller, first let me tell you that I appreciate the faith and confidence you have in me and my office and my staff to oversee and lead this new consolidated department, but I must point out to you that this legislation as currently drafted does fall short in that it does not provide sufficient management staff to oversee and supervise those functions out in Riverhead, which now fall under the Treasurer. Such staffing, such management staffing is critical to the future success of any new consolidated department and it's vital to ensure that proper safeguards are in place to again address an adequate segregation of duties over the collection of income and vigilance of the expenses.

Such a change in our financial structure, in Suffolk County's financial structure, Members of the Legislature, is really serious business. It's my responsibility as the Chief Fiscal Officer of this County, to ensure that our internal controls, which are necessary to safeguard our County's assets, are never jeopardized. As this bill progresses through this Legislative process, I very much welcome the opportunity to meet with you, to meet with the County Executive's staff, to meet with your Legislative Counsel, not only to talk about the bill and its merits, but also to get into some of the details and technical language, which, instead of taking a lot of time with the microphone today and start taking a lot of your time, really needs to be worked out and discussed. There's a lot of technical language in there which I really believe should be amended.

But, in any event, to summarize, please be assured that not only will I make myself available to you collectively and individually, but I offer my office and my staff to work with you on any and all issues which come before you, whether it's for streamlining our

government on audit work or in this particular bill, or whatever. So, again, thank you for the time. I know I went a little quick. It was a lot to say, but I wanted to get it all in.

**P.O. LINDSAY:**

Thank you, Mr. Sawicki.

**LEG. NOWICK:**

Can I ask a question?

**LEG. EDDINGTON:**

Mr. Chairman.

**P.O. LINDSAY:**

Yeah, Legislator Nowick.

**LEG. NOWICK:**

Thank you very much for that presentation, and congratulations to your office.

**MR. SAWICKI:**

Okay. Thanks a lot.

**LEG. NOWICK:**

Joe, have you had an opportunity to speak to the bonding companies to see •• to get a sense of how they feel about this consolidation?

**MR. SAWICKI:**

I personally have not spoken to Hawkins, Delafield and Wood. Our particular partner assigned to us is a gentleman by the name of Robert Smith. I've spoken to our financial advisor many times. I've spoken to the partners of Ernst and Young, as Angie pointed out, the County's independent auditors. But I'm sure that a gentleman like Mr. Smith would be more than happy to address the Legislature, address any of your concerns for any specific questions you have.

**LEG. NOWICK:**

Yeah, I think that that might be important ••

**MR. SAWICKI:**

Yeah.

**LEG. NOWICK:**

•• to all of us before making a decision.

**MR. SAWICKI:**

Yeah. Because he is, in fact, our bond counsel.

**LEG. NOWICK:**

Thank you.

**MR. SAWICKI:**

For all of us.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. EDDINGTON:**

A very quick question, Mr. Comptroller. In your opinion, do you believe that tearing down the segregation of duties that now exist between your independent audit function and the function of the Treasurer that collects and invests the money, that coupled with the understaffing that you mentioned in this resolution is a prescription for financial disaster?

**LEG. VILORIA•FISHER:**

Not a loaded question or anything.



**LEG. NOWICK:**

Yes or no?

**MR. SAWICKI:**

The ideal, as I stated it, the ideal is to keep our current system the same.

**LEG. EDDINGTON:**

I withdraw the question, Joe.

**MR. SAWICKI:**

It's functioning well.

**P.O. LINDSAY:**

He only wanted a yes or no answer to that.

**MR. SAWICKI:**

How's that for an answer?

**LEG. EDDINGTON:**

I was here when Steve did this 20 years ago, so, you know, it's deja vu.

**P.O. LINDSAY:**

Legislator Vilorio•Fisher.

**D.P.O. VILORIO•FISHER:**

Thank you for your presentation. I have a couple of questions regarding the technical issues. You said there were technical details in the legislation. Have you discussed these with the County Executive's Office? Have they entertained your concerns?

**MR. SAWICKI:**

Yes, I have. I've had several discussions with Kevin Law about some of the technical questions, and, at this point, it doesn't seem to be a real issue, but it's something I just wanted to bring up and make you aware of, that there would be some amendments down the road that I'd like to •• I think jointly would be good for all of us.

**LEG. VILORIO•FISHER:**

So, what you're saying is that they're looking at perhaps amending the resolution or ••

**MR. SAWICKI:**

I can't answer that, Viv.

**LEG. VILORIA•FISHER:**

Or are you anticipating that, if it were passed, that we would look at changing ••

**MR. SAWICKI:**

Well, I'd like •• ideally, again, it's some technical and some legal questions regarding personal liability, regarding some of the other •• how to •• the selection of banking for investment purposes. I think they need to be tightened up and straightened out and I see no reason why we just can't have a quick sit•down. I don't know quick. Is there such thing as a quick sit•down? But a sit down with Legislative Counsels from your and from the County Exec and with us.

**D.P.O. VILORIA•FISHER:**

Thank you.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. Just a quick question also. Comptroller Sawicki, thank you for being here today, appreciate it.

My question is that I understand your very well articulated concern about the detrimental impact this could have on the checks and balances between your office and the Treasurer's Office. So I'm just wondering whether or not in your opinion if the Treasurer functions were transferred to a different department, not yours, not your offices, if that would in your mind preserve the checks and balances that you're detailing today?

**MR. SAWICKI:**

It no doubt would. However, the best check and balance in our system, in any system of government, is when you have •• in my opinion, when you have an independently elected official heading that department, because it's always •• as you know, it's always nice to be answerable to the voters, which really •• which literally frees you from any other kind of interference, politically, governmental, or otherwise. So, you know, I really feel that the system we have now works really •• you know, works excellent for us.

**LEG. D'AMARO:**

But you do feel also, and just to paraphrase you, and correct me if I'm wrong, that removing those functions from your supervision and control and placing them perhaps somewhere else within County government may preserve the checks and balances that you're concerned about.

**MR. SAWICKI:**

It would make them stronger as checks and balances than under the proposed legislation, but, in my opinion, it wouldn't be as strong as what we have currently.

**LEG. D'AMARO:**

Understood. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Sawicki. I appreciate your testimony. Thank you, Joe.

**MR. SAWICKI:**

Thank you, Bill. Good. Thank you, Ladies and Gentlemen.

**P.O. LINDSAY:**

Does John Cochrane want to talk now?

**MR. COCHRANE:**

Yeah.

**P.O. LINDSAY:**

Our former Treasurer.

**MR. COCHRANE:**

Thank you, Mr. Chairman.

**P.O. LINDSAY:**

Full-time golfer now?

**MR. COCHRANE:**

No, not quite. Mr. Presiding Officer, Ladies and Gentlemen of the Legislature, good afternoon, and thank you for giving me the opportunity to speak to you today with respect to my feelings and position on Resolution 1069. I will be brief. I will sum it up initially very quickly by saying I oppose the resolution. You've heard from two elected experienced officials who are very, very familiar with the responsibilities and the duties of the Treasurer's Office, as well as the Comptroller's Office. Let me speak from 12 years of experience and working with all of you in maintaining the fiscal integrity and the fiscal reputation of this County.

I can assure you that there was talk in the initial presentation of this legislation that there would be job savings. I can assure you those jobs, though, were inferred to be eliminated. Someone has to perform them. There's no one sitting out in Riverhead or here in Hauppauge looking out the window eating Bon•Bons. It's a daily 9 to 5 experience and responsibility, so you're not going to save money in salaries. You could perhaps change the title and the designation and put them into Civil Service, or something like that, but believe me, Mr. Chair, Mr. Presiding Officer and Ladies and Gentlemen, there is nobody out there not working. Elimination of those jobs is not a factual ability to be accomplished.

Angie has spoken briefly about an area where I have some expertise and that's with the Government Finance Officers Association, particularly of New York State. I am the

President•Elect and we have •• 72% of the counties in New York State have elected Treasurer's with similar responsibilities to those here in Suffolk County. As Angie mentioned, the ones that do not have it are relatively small counties. So, there again, we have the experience statewide of 72% being elected.

We also have, and it's been mentioned, the concern over bond ratings. Suffolk County, including the Legislature and the County Exec, as well as the Comptroller, Treasurer, have worked as a team, worked diligently and effectively to have those bond ratings raised. This resolution would incur, in the course of its execution, in the course of its organization, some, perhaps some concerns on the part of the bonding agencies. Why are we fixing something that isn't broken? Where are we going to go with it? How does it improve the fiscal responsibility and stability of the County? So, again, I think that that's something that is not positively addressed by way of this Legislation. It works very well the way it is.

I believe that when you discuss it, then you will have the opportunity, hopefully. I'm certainly going to respectfully request that you give some time and consideration of this and just not rush through passage of such draconian legislation, and that you talk with your business groups and your civic groups and the persons that you counsel with to see what their concerns and feelings are with respect to this particular type of legislation.

So, with that in mind, I thank you for the opportunity to speak with you, and I urge you to go slowly on this, consider it, and perhaps reject it in view of the fact that Suffolk County is in such a fine fiscal condition. Thank you very much, Mr. Presiding Officer, Ladies and Gentlemen.

**P.O. LINDSAY:**

Legislator Nowick has a question for you, John.

**LEG. NOWICK:**

Hi, John. You touched on the •• an area about the bond counsels.

**MR. COCHRANE:**

Yeah, bond ratings.

**LEG. NOWICK:**

Bond ratings, I'm sorry. Do you feel, knowing •• with your experience, is there any chance we can •• any chance your bond rating can suffer with this piece of legislation out there as it is today? Do you think that the bond •• I remember years ago sitting on the Budget and Finance Committee, and when there was legislation that was out there and the bond ratings were not in favor of it, we had to worry a little bit. Do you think there's any problems now in this interim period.

**MR. COCHRANE:**

Difficult to answer that, in that the bond counsel will give you an opinion and the County's financial advisor will give you an opinion. The bonding agencies are not likely to give you any advanced opinion. They will wait and see what you do and then make their ratings accordingly. So you can't really get an opinion from the rating agencies. They're just going to watch what you do and put you up or down. I would say that the odds are possibly to the extent that it could be a negative reaction to what's being done, because it's working so well, unless there was some very obvious improvements that the legislation outlines, that I think they would be inclined to look at it and say, "Why are they doing this, and what good is it going to do in the future?" You won't get an opinion from the rating agencies, but you would from bond counsel and from financial advisor. Thank



you,

Mr. Presiding Officer.

**P.O. LINDSAY:**

Thank you, Mr. Cochrane, and thank you for your years of service to the County.

**MR. COCHRANE:**

Good to see you all. Thank you very much.

**P.O. LINDSAY:**

Dera Dougherty.

**MS. DOUGHERTY:**

Good afternoon. I thank you for this opportunity to speak to you about Resolution 1069. I speak as a Suffolk County resident, a trained professional as a former internal auditor.

As a taxpayer, I respect and admire the commitment of the County Executive to keep government efficient and effective. However, I feel I have a professional responsibility and obligation to oppose Resolution 1069, which calls for the merging of the County Comptroller's Office and the County Treasurer's Office.

The ability of one person to manage and control all aspects of financial management, including collecting revenues, making decisions on investments, disbursing funds, and performing the audit function usually leads to financial mismanagement. Risk of collusion, errors and omissions are substantially increased. It's comparable to the fox overseeing the hen house. We have many examples to point to that support the results of the undermining of internal controls. For example, the public school scandals, and the crisis of our neighbors to the west of us in Nassau County, where property taxes have become a moving target because of their financial crises.

I believe years ago Suffolk County had to weather similar financial •• large•scale financial crises, and trying to repair the problems that financial mismanagement can cause only results in the erosion of public confidence in government, and a negative impact on property values, and unfavorable interest rates on bonds. While Resolution 1069 purports to save County taxpayers money by reducing the budget, I ask at what cost or what risk? Please remember that it is us and our children who will bear the burden of any financial mismanagement. I thank you.

**P.O. LINDSAY:**

Thank you, Miss Dougherty. Tommy Muir.

**MR. MUIR:**

Good afternoon. Thank you for the opportunity to speak before you as a taxpayer here. In agreeing with Steve Levy, when he recently spoke about it in his County Address, that he thought one of the most important things they were addressing, the problems in school taxing, school taxes rising. His suggestion was to have an elected official in place to oversee the school district's oversight committee. In here what we have is almost an opposite view where we're saying have a breakdown in that chain of command.

As I sat here as just a taxpayer and listening to the other people that spoke here so eloquently on how well we run our fiscal abilities here in Suffolk County, my thing •• I was thinking of Yogi Berra, "Don't fix it if it ain't broke." And it looks like what we're doing is we're trying to take away a place of accountability and responsibility, and we're breaking a chain in command that's working. And as the one fellow brought out here, you have other areas of the County that seem to be needing more work.

I realize that all you people work very hard at your jobs at which you do, and not saying anything more different than having concern in your times and abilities that you have is maybe that more concern should be shown in areas that are less than the more better areas, which the financial system seems to be. So I think this system works. I think maybe we should be dedicating more time to solutions to areas that are not working so well. And that's all I'd like to say. So I am in opposition to the resolution. Thank you for your time.

**P.O. LINDSAY:**

Thank you, Mr. Muir. Nancy Donohue.

**MS. DONOHUE:**

Thank you, Mr. Chairman. My name is Nancy Donohue, and I am in opposition to the consolidation of the Office of Comptroller and Treasurer. I think it's important to keep a system of checks and balances. I have heard that the Office of Treasurer has been able to supply information, documentation to school districts where they have been, in effect, able to save millions of dollars, and I think it's important that they can continue doing it in working with that Office of Treasury. Again, I am in opposition, and I think everyone else has expressed so much else that I have very little more to add to it. Thank you.

**P.O. LINDSAY:**

Thank you, Miss Donohue. Cheryl Felice? Did I see Cheryl? Hey.

**MS. FELICE:**

Yes, sir. Good afternoon. Thank you for your patience. Just to reiterate the comments I made earlier at public portion, that we do stand in opposition to, is it 1068? Do I have the right resolution? We spoke on so many today.

**P.O. LINDSAY,**

1069.

**MS. FELICE:**

1069. For the reasons stated this morning and in some of the comments that were already made, we have a system that's working and it's working quite well. I think it's a testament not only to the elected officials but to the workers that work in each of the respective departments of Taxation and Finance and also the Comptroller's. We have a situation now that calls for a high quality of checks and balances in what we see with the industry today, and Suffolk County is fortunate enough that they are not engaged in scandal right now, and again, I think that's testament to the fact that we do have the respective departments separated, and AME does stand opposed to Legislation 1069. Thank you.

**P.O. LINDSAY:**

Thank you, Cheryl. And last card, Paul Sabatino.

**MR. COHEN:**

Who?

**P.O. LINDSAY:**

Paul Sabatino?

**LEG. ALDEN:**

He filled out a card?

**P.O. LINDSAY:**

Filled out a card.

**LEG. ALDEN:**

Or somebody filled out it for him.

**P.O. LINDSAY:**

I have no idea.

**MR. SABATINO:**

Thank you, Mr. Chairman. I'm just going to make a few comments today just in the context of the statements that were previously made. We will be asking that the public hearing be recessed at least one more time to have a public hearing in Riverhead, so the West End and East End will both have addressed the issue, plus we will be working with the County Comptroller, as was stated before, to take into consideration some of the technical points that he has raised. But big picture item, just want to get on the record a few things.

One, this legislation is not about personalities. I want to make that clear. We like Angie Carpenter. I've personally worked with her for a long time. But Steve Levy proposed this legislation on March 1st of 1988 for the first time, so it's not as though the bill suddenly emerged after last year's election.

Point number two is that the Charter Revision Commission that met in 1997 under the Chairmanship of former County Executive Mike LoGrande specifically made a recommendation, after giving detailed study and analysis to the issue, that consolidating the two offices made sense from a financial and fiscal standpoint. They took a look at that issue with regard to whether or not there would be a difficulty with oversight between the two offices and concluded that that was not the case, that there would be no problem. So there was a commission appointed by the County Legislature and the former County Executive which resulted in that particular commission, chaired by Mike LoGrande, making that recommendation.

Third point that should be taken into consideration is that Donald Gruen, who served as the Director of Budget Review during the period of 1976 to 1990, did a detailed evaluation, and in March of 1998 he concluded on the record that abolishing the Office of County Treasurer and consolidating the two functions made sense. He thought it was a

more effective way to carry out the duties and the functions of those two services. In addition to being the Director of Budget Review during that 14-year period of time, he also had a background as a Chief Auditor in State government, so he gave the perspective of both financial management, budgetary analysis, and auditing.

The next point I wish to put on the record is that we reached out to our independent auditors, Ernst and Young, and Randy Nelson from that office concluded as recently as several days ago that as long as you continue the same internal controls that are in place with regard to segregating the functions, that there would be no problem from the standpoint of auditing to consolidate the two functions. So the outside auditor concluded that as long as you don't change the internal procedures, and we would see no reason to believe that the County Comptroller, if this legislation were successful, would change those internal procedures, ergo there would be no problem from the perspective of the outside auditor.

A point that was raised with regard to the Orange County situation in California, totally completely different situation. What happened there was the County Treasurer was convicted of six felonies, and criminal activity is criminal activity. It wasn't the structural nature of what took place in Orange County, it was the fact that that particular individual, if you read all of the articles and all the details, wound up with six felony convictions, and basically had been compromised by relationships with Merrill Lynch. The history of all of those relationships are detailed in numerous articles that were reported at the time in 1993 and 1994 in the New York Times, as well as the Wall Street Journal, and, to a large degree, it was driven by the process of the pay-to-play rules.

In addition, we have submitted documentation that shows that at a minimum, at a minimum, the savings, which is the driving force behind the consolidation, would be \$835,689. But when we did the analysis, we tried to take into account one of the comments that County Comptroller Sawicki had made, which was that you might need to bring a couple of additional people in for the supervisory role. So what we factored in was, if you just contemplated bringing back two people, brand new titles, to perform that

kind of a function, that would cost you roughly \$170,000. So the \$850,000 savings might shrink down to about 600 or \$650,000, but you would still be generating real hard dollar savings on an annualized basis.

The issue with regard to the bond rating being adversely affected, it's our belief that later this week Moody's will publicly state in some local •• in some local documents that they don't see any particular adverse impact on the bond rating if there is a consolidation of the two functions.

**P.O. LINDSAY:**

Could you sum up, Mr. Sabatino?

**LEG. SCHNEIDERMAN:**

And lastly ••

**P.O. LINDSAY:**

Good.

**MR. SABATINO:**

•• former County Comptroller Joseph Caputo testified in 1991 that consolidating the two functions would save taxpayer dollars.



**P.O. LINDSAY:**

Okay. Before you leave, there's some questions. Legislator Montano.

**LEG. MONTANO:**

Mr. Sabatino, just a quick question. That decision that you referred to earlier from the outside auditor, is that a written or was that a verbal comment that was made, in terms of their decision that this would not be a problem and would not affect us? The decision from Ernst and Young, was that written or oral?

**MR. SABATINO:**

Both. It was •• it was both.

**LEG. MONTANO:**

Okay, thanks.

**P.O. LINDSAY:**

And Legislator Nowick.

**LEG. NOWICK:**

Hi, Paul. Just you said there would be a savings of 650,000 per year; is that correct? And the •• and the •• I'm just trying to figure out ••

**P.O. LINDSAY:**

No, it was 800, wasn't it?

**LEG. NOWICK:**

Well, no. But we had to add in two more positions, so we minused 170,000 and it would be ••

**MR. SABATINO:**

What I said was that the gross figure would be \$835,000, the gross figure at a minimum. That doesn't take into account the economies of scale, which would be in addition to that. But then I said, if you wanted to factor in a cushion of bringing back two brand new titles to deal with the issue that the County Comptroller had addressed, that would reduce the savings maybe down to \$650,000.

**LEG. NOWICK:**

And would the only change, Paul, because I'm trying to understand this, would the only change be that •• how would you save the rest of the money, by getting rid of positions? How would the other •• you're saving \$650,000. How do you save •• the internal procedures are going to be the same, true? And we still need all of the machines and we still need the physical plant. Just how do we save the 650,000? We haven't received ••

**LEG. SCHNEIDERMAN:**

Okay. The ••

**LEG. NOWICK:**

I don't believe we've received anything on this yet.

**MR. SABATINO:**

Well, no, we did. I had forwarded •• I had forwarded the analysis that was done by the Budget Office about a week ago to all Legislators. But putting that aside, the details are that taking out the top five positions, just based on salary and associated benefits alone, would be \$745,000. Reduction in the County fleet of at least two vehicles would be another \$60,000. And •• I'm sorry. It was \$775,000 and \$60,000 would be for the fleet. Again, that doesn't take into account the economies of scale. When I say "economies of scale", it's not just a cliché, it's not a buzz word, it's reality.

As recently as this past year, I've attended several meetings whereby the things that you see in front of the Legislature for redemptions and for the Local Law 13's and the certificates of abandonment, right now you've got two separate units in County government, one in the Real Estate Division and you've got one in the County Treasurer's Office. There are literally two sets of files. We literally had to bring two sets of documents just to deal with a real estate transaction that under a unified command and control situation would be addressed in one place, one time with one set of files. So those are the economies of scale. I can't tell you the dollar amount that's associated with that particular economy of scale, but I can just tell you, based on the time that I had to spend and the time the staff people had to spend, it's real.

**LEG. NOWICK:**

So, basically, then the savings are the two cars and then the positions.

**MR. SABATINO:**

Right.

**LEG. NOWICK:**

Yeah. Thank you.

**P.O. LINDSAY:**

Legislator Barraga, do you want to be recognized?

**LEG. BARRAGA:**

Yes. You had indicated, Mr. Sabatino, that the County Executive at one point introduced something similar back in 1988. Well, I'm concerned a little bit about the partisanship associated with this legislation. If it's so nonpartisan, why not grandfather in the current Treasurer? For example, the current Treasurer, as I understand it, can run for three terms. All right? So why not grandfather the current Treasurer in this legislation, so that if it passes by way of referendum in four years, the current Treasurer can make a decision, either run for a second term, and if she wins, she gets a second term. If she loses, her replacement spends four years and then you can do a consolidation. Or the current Treasurer could decide, "Look, I'm not going to run for a second term," and consolidate immediately. But at least the Treasurer, the current one, who ran under this premise of three terms would be grandfathered in.

I'll give you a good example. In the Assembly and the Senate years ago with term limits, it never went anywhere in Albany. One of the reasons is that the members were not grandfathered in. When they ran, they could run for as many terms as they wanted to run. Now •• because this changes things. I mean, the Treasurer might still feel that even if she's grandfathered in, she wants to go out and campaign against this particular piece of legislation. Fine. All right? If it doesn't pass, she still goes back to existing law, three four•year terms. If it does pass, she still gets three four•year terms. So, if it's so nonpartisan, do you have a problem with that?

**MR. SABATINO:**

No. Actually, it's a fair point, then, and the County Executive actually •• I'm sorry. It's a fair point, Legislator Barraga, and the County Executive actually accommodated what you suggested. Ordinarily, what would happen in a referendum situation like this is that if the voters said yes in November of this year, in the normal circumstance, the office would be abolished effective January 1st of the following year, which in this case would be 2007. The County Executive modified the bill from the proposal that came from the Charter Revision Commission and actually does grandfather one full four•year term of office into the legislation.

**LEG. BARRAGA:**

No, no. I want •• I want the grandfathering to assimilate exactly what's under existing law. The current Treasurer would still, even if this referendum passed, still be eligible to run for three four•year terms. Is the County Executive willing to do that?

**MR. SABATINO:**

Well, now you're talking •• you're not talking about a grandfather, you're talking about a full•fledged term limit extension for the full 12 years. I don't think at the •• at this particular moment, I don't think that would be acceptable. That wasn't ••

**LEG. BARRAGA:**

So it's not as nonpartisan as you may think it is, huh?

**MR. SABATINO:**

Well, you know, will it be taken under consideration if that becomes something, you know, as part of the discussion process, yeah, it will be under consideration. But I think because the County Executive already feels that he's moved away from the original Charter Revision Commission proposal he's also moved away from the legislation that he originally filed in 1988. He feels as though he's already offered the grandfather.

**LEG. BARRAGA:**

But he's also moved away from existing statute as it pertains to the current Treasurer and the ability of that Treasurer to run for a second and third-year term. All I'm asking him to do is to grandfather that premise in to this particular legislation.

**MR. SABATINO:**

I hear what you're saying, and what I'm saying to you is that we've already gone one term beyond what would be the normal circumstance, one term beyond what the recommendation from the Charter Revision Commission was. But am I going to say that it will be absolutely ruled out? No. There might be something in between that might be an acceptable compromise. I can't rule it out, I can't rule it in. It's worthy of consideration.

**LEG. BARRAGA:**

All right. I'd ask you to go back and speak to him about it.

**MR. SABATINO:**

Absolutely.

**P.O. LINDSAY:**

Legislator Horsley.

**LEG. HORSLEY:**

Yeah, Paul, I just had a quick question. You talked to the economy of scale of the duplication of processes, both in the Real Estate Department as well as over in the Treasurer's Office. Did •• was there any consideration that the •• that the role in the Treasurer's •• in the Real Estate Office should be eliminated and not in the Treasurer's Office? I just wanted to see if you had taken it both ways to see where the economies of scales works.

**MR. SABATINO:**

Well, the way •• the way it would work is because the number of positions in the Treasurer's Office for the real estate function are substantially less than the number of positions that are currently in the Real Estate Division. The logic, I mean, the smart management logic would be that you would move the smaller number of people to the larger number of people, and that's how you get economies of scale, because then the Real Estate people are doing a whole bunch of other real estate things during the course of the year. So there might be a week or a month when they're doing auctions, a time

when they're doing land acquisitions, a time when they're doing redemptions, so you get true economies of scale when you lump together related multiple functions in one place. So the answer is yes, consideration was given, and our belief is that the logical way to go is to move the smaller unit to the larger unit.

**LEG. HORSLEY:**

So what you're saying is that the Department of Real Estate are doing some or many of the same duties as the Treasurer's Office is, but they're doing it on a part-time basis; wouldn't you say that would be true?

**MR. SABATINO:**

Well, no. I'm saying it a little bit differently. What I'm saying is that one component of what the Treasurer is doing is being done in the Real Estate Office. I'm not trying to say Real Estate's doing all of the things in the Treasurer's Office, but like at a minimum, at a bare minimum ••

**LEG. HORSLEY:**

Some of the things.

**MR. SABATINO:**

Some of it is being done in both, yeah.

**LEG. HORSLEY:**



Okay, thank you. And, by the way, the car issue, \$60,000 for two?

**MR. SABATINO:**

Sixty thousand dollars was for •• was to take out two cars, right.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. COOPER:**

I just wanted to briefly respond to a comment that Legislator Barraga had made, suggesting that he •• I believe suggesting that he would be more likely to support this proposal if we found a way to grandfather in the job for the existing County Treasurer, and he talked about it perhaps being an issue of partisanship on the part of some people. And I can only speak for myself, but for me, you know, this is not about preserving anyone's job, this is about doing the right thing for the hard working taxpayers of Suffolk County.

And the real question in my mind is whether this consolidation will save 600,000 to \$800,000 or will not have any cost savings. And once we can get that resolved, if there will be a savings to taxpayers of \$600,000 a year, it makes no sense for us to even think about grandfathering this in for 12 years. What's twelve times six •• that's 7.2 million dollars that it would cost Suffolk taxpayers if we were to acquiesce in this suggested compromise in deference to preserving the job of the current Treasurer.

So, again, for me, the overriding concern is doing the right thing for Suffolk taxpayers, and that's what I will hope to be able to get to the bottom of over the coming weeks before we vote on this.

**P.O. LINDSAY:**

Legislator Kennedy has a question, right, question?

**LEG. KENNEDY:**

Yes, Mr. Chair, thanks. Paul, you talk about some of the duplicativeness, I guess, or perceived duplicativeness in the Treasurer's Office and the redemption section in the Division of Real Estate. I've had occasion to deal with them both off and on over the course of the years, as you know. The question I would pose to you is, is by posing that you may be able to achieve these economies of scale by assuming, I guess, some of the function out of the Treasurer's Office into the Division of Real Estate, how at all does that harmonize with the Suffolk County Tax Act, particularly when it comes to the takings and the delinquency notices, the mailings, all the other things that we know are laid out there in very detailed fashion as far as what we have to do as an entity? That function is occurring under that entity charged with the authority to go ahead and do that vis•a•vis the Treasurer. How do you square that, how do you reconcile?

**MR. SABATINO:**

A successor department would be empowered to carry out the duties and functions of the predecessor department. It happens all the time.

**LEG. KENNEDY:**

Well, you and I, I guess, can talk as far as what the impact would be, though, vis•a•vis the Tax Act. Are you proposing, then, that we amend the Tax Act as well to allow this successor language, or that there's some other mechanism that would accomplish that?

**MR. SABATINO:**

No, it's no different than the Real Estate Division has operated under four different departments in the last 20 years. They do things that impact the Suffolk County Tax Act. You put language into the legislation, which is in this legislation, that says the successor department is carrying out whatever the duties and functions are that you want it to carry out of the predecessor function.

**LEG. KENNEDY:**

So you don't see any kind of a clash there or any kind of a disconnect as far as what the Tax Act lays out?

**MR. SABATINO:**

No. I mean, I would anticipate that would be a smooth transition. For the most part, I would •• it would be the same people who would be doing the work, but in a different ••

**LEG. KENNEDY:**

The function •• I mean, I'll •• certainly, I'll agree with you, that there may be a certain element of similarity of activity that occurs. The detailed mailings, the publications, all the other things that go on, the takings and all those other aspects in the Treasurer's Office we know well. And, certainly, yes, in the Division of Real Estate, for a whole variety of

reasons, folks are engaged in looking at doing different things with land on our behalf in the County. So, yes, there probably is some overlap. But I guess my question or concern, and I'll have to look at it some more, would be reconciliation with the Tax Act itself.

**MR. SABATINO:**

I hear you. I don't see a concern at this point, but I hear what you're saying. It's a point worthy of consideration.

**P.O. LINDSAY:**

Thank you, Mr. Sabatino.

**MR. SABATINO:**

Thank you.

**LEG. VILORIA•FISHER:**

I'm next.

**P.O. LINDSAY:**

Oh, I'm sorry. Wait, there's one more question. Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Thank you, Mr. Chair. My question is on the same area of concern. You mentioned that there was duplicity. You had certain documents in the Treasurer's Office and the same documents in the Department of Real Estate, and I'm wondering if those documents or those procedures fall within a stream, a process stream which follows a different direction in the different departments. What I'm saying, in Real Estate you may start with the same process that begins in the Treasurer's Office, but then Real Estate goes in one direction with that information and the Treasurer's Office in the other. So I think that, as we continue this conversation regarding this consolidation of departments, I've heard I think similar concerns or questions from Legislator Horsley and Legislator Kennedy regarding these different and various functions, and what the end product of these processes are, and why there sometimes is a necessary overlap or a necessary duplication of effort at the beginning of the process. So I really would like this to be really made much clearer to me, and it seems that that clarity is requested by other people as well. Maybe some kind of flow chart as how the process goes through the system in order to be legal, for it to be a legal process, and how we could have the process cross all the T's and dot all the I's, and cut back on the staff, and whether indeed there is an economy of scale that we would realize with this consolidation, if, in fact, we do need that process to go through, through certain steps.

**MR. SABATINO:**

I hear your point, it's a point well taken. I only cited that one example because it's concrete, it's tangible, it impacts on things the County Legislature does. And it was very frustrating to literally have the two sets of files, and the two sets of interpretations, and the two sets of everything when it could all be implemented on a unified one•step basis.

One last thought, too. As I neglected to mention, it's along the lines of what you just said, as far back as 1994, the 1995 Operating Budget actually started the process of consolidating and moving some of the functions between the Treasurer and the Comptroller's Office. In fact, a portion of the general ledger functions were transferred in 2005 and the world didn't end. They were assimilated and incorporated, and that kind of

consolidation that took place didn't result in any kind of chaos or disruption. So I think there's a precedent going as far back as 1994 on a small scale, admittedly. It was only three or four positions, but on a small scale that process did take place, and I think it gives you some confidence level that you can do these things and make the economies of scale work.

And lastly, as recently as 2001, the Legislature was compelled or felt compelled to pass Chapter 840 of the Suffolk County Code to unify the cash borrowing function between the Treasurer and the Comptroller, because the Legislature was frustrated in 2001 that that unified cash management process wasn't taking place. So you actually created legislation, Chapter 840, in 2001 to deal with that. So there's a history here of trying to make these things work by consolidating and moving towards a more unified kind of a function. So I'll leave you with that thought.

**P.O. LINDSAY:**

Thank you. Does anyone else want to speak on I.R. 1069? Gail, you want to weigh in?

**MS. VIZZINI:**

Just one •• something to add to Mr. Sabatino's comments and in point of clarification in terms of what the Budget Review Office has said in the past.

I think it's absolutely essential, to understand the history, we have to know where we were, what was going on at the time in order to understand where we are today. Just so that you are all aware, Budget Review is going to prepare an analysis of the proposed Charter amendment clarifying what it does and coming up with options for the Legislature.

In the past, in the late '80's and early '90's, under a former Director, Don Gruen, Don Gruen came from the State. His vision was similar to what the State government has. We did and we were proponents of consolidated financial functions, but we were consistently proponents that the audit function be separate and apart, and that that audit function report directly to the Legislature. One of the speakers mentioned the fox watching the hen house. It was to assure that that was not the case. So that is a different version than what's presented before you in 1069.

The other thing I wanted to mention in terms of the 1997•1999 Charter Revision Commission, there were several recommendations there, including this one regarding the Treasurer and Comptroller, that the financial responsibilities be consolidated into one department, and if that was not acceptable, then the Treasurer be appointed and those duties be continued, but report directly to the County Executive.

Some of you may remember that during County Executive Halpin's term, he and endeavored to change the structure of the financial responsibilities. He was a proponent of a consolidated department, but put the borrowing function under the County Executive. So over the course of our recent history, we've had some variations, nothing has really changed. But Budget Review will be happy to revisit the issue and put something before you for your continued deliberations.

**P.O. LINDSAY:**

Thank you, Gail. If no one else wants to speak on 1069, I'll make a motion to recess.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Next, we have I.R. 1070. We have two cards. Cheryl Felice? 1070 is a Charter Law to promote honest budgeting and efficient operation of government.

**MS. FELICE:**

Good afternoon again. Again, as the President of AME and the workers in Suffolk County, we stand here before you with the continuing problem of having SCIN forms signed off on and vacancies filled.

The resolution that Legislator Romaine put forward, I applaud its •• the spirit of the bill in trying to alleviate a situation that we have been bringing forward to the Legislature for the past year. And I also applaud the other Legislators who reached out to me to try to come up with a compromise bill. And I want to offer to you, Presiding Officer Lindsay, that perhaps through your office, Legislator Romaine, a representative from your office, and any other designee you feel appropriate, along with a representative from the County Executive's Office, sit down and look at a compromise measure to alleviating the



vacancy issues that are so overwhelming in this county. Thank you.

**MS. FELICE:**

Thank you.

**LEG. EDDINGTON:**

Question.

**P.O. LINDSAY:**

Oh, wait, wait, Cheryl. Legislator Romaine wants to comment.

**LEG. EDDINGTON:**

Thank you for that effort. Last Friday night I called the County Executive personally and spoke to him by phone, and I followed up with a letter to him, indicating that if he had any constructive suggestions, that I would be always willing to meet with him and in any way alter, change or amend my current legislation, which provides, and, by the way, I have submitted an amendment to this resolution already to make it more palatable, one, that it would only go into effect in 2007, so the County Executive could make plans in his 2007 budget. And two, we've lengthened the time, so now the minimum time that you could fill a vacancy, if you rushed through the whole procedure, would be 85 days, which will provide a more than 35% turnover savings to this county and County Executive. For every single vacancy that would occur in this county, there would be a 35% savings of that salary as a minimum.

So we've taken that additional step, but I'm certainly willing to meet with the County Executive and certainly the Presiding Officer, whoever he might designate, and yourself, or a representative from AME and some of the other municipal unions, to discuss this, because this is a pressing matter that goes to the heart of how this government should function and how we should •• how should I say it?

**P.O. LINDSAY:**

Question, Legislator Romaine, question.

**LEG. EDDINGTON:**

Thank you for appearing.

**MS. FELICE:**

Thank you very much. We look forward to being part of the dialogue.

**P.O. LINDSAY:**

That was a brilliant answer.

**MS. FELICE:**

Thank you.

**P.O. LINDSAY:**

Thank you for your input, Cheryl. Ben Zwirn.

**LEG. MYSTAL:**

You got a big book there.

**MR. ZWIRN:**

Thank you, Presiding Officer Lindsay and Members of the Legislature. The County Executive is firmly opposed to I.R. 1070. He thinks the bill is dangerous, not only diminishes the role of the County Executive in managing the budget and the finances of Suffolk County by controlling personnel costs, but also diminishes the roles of all the department heads and commissioners that come before this board in managing each of their own departments.

It's simplistic to make a decision to fill a vacant position solely on the criteria of whether or not there are available appropriations in the salary line. The Executive's decision to fill a vacant spot takes into account many factors, among them, overall County revenues. You all must remember that over a billion dollars in sales tax revenue accounts for the majority of revenues to the County, and if those sales tax revenues are short, if the economy turns soft, then the money, even though budgeted, will not be there when it's needed. The status of other budget expenditures and if there may be shortfalls elsewhere in the budget, the outlook for the coming fiscal year and the impact on other related areas of the budget, such as fringe benefits costs and such as health insurance, taking these factors into account is not unique, it is fundamental budget practice. Every department that has permission to fill vacancies without Executive approval take these factors into account. That's why there are vacant positions today in the Community College, the Legislature and the Board of Elections, none of which require the Executive's approval to fill positions. And I think Presiding Officer, former Presiding

Officer Joe Caracappa I think was prudent when he managed the Legislative budget by leaving positions open. Same thing with the Community College.

If the Legislature has maintained numerous vacant positions, the current decision to keep them open is partly related to the need to offset higher than budgeted costs of termination payments to former employees. In addition, the Legislature is sensitive to the issue that filling every Legislative vacancy in 2005 would significantly increase the size of the Legislature's 2006 budget, especially when salary increases are factored in. At the college, the Legislature added \$575,000 of salary appropriations to the College budget and increased the College's tax warrant accordingly, yet, at the end of 2005, the College had in excess of 50 vacant positions. The College's decision to maintain vacancies is as a result of prudently weighing factors outside the narrow issue if there are sufficient salary appropriations.

And the Board of Elections has traditionally kept vacancies to fund mid-year salary increases due to promotions or other items.

The Legislature adopts a budget knowing that not all vacant positions are funded and that they can't all be filled without increasing property taxes. The Operating Budget includes an amount for turnover savings, the salary savings generated because every position will not be filled. For 2006 the adopted budget includes turnover savings of 46 •• of over 46 million dollars. In essence, the salary line would be underbudgeted by 46 million dollars plus if all the vacant positions are filled. Likewise, fringe benefits cost, social security benefit fund payments, etcetera, are not budgeted for these unfunded vacant positions. In total, if all vacancies were filled, the budget would be out of balance by more than 70 million dollars. By comparison, the General Fund tax warrant is approximately 52 million dollars. Evaluated in terms of General Fund property taxes, the budget impact of filling all vacancies would result in 145% tax increase from the 2006 budget impact. Funding these newly filled positions in 2007, as well as the carryover of 2006 deficit from filling these vacancies would result in an overall General Fund tax increase of 280%. The current budget is well within the 20% turnover savings guidelines established in the last paragraph of the Legislative intent. Current turnover savings is approximately 6% of total filled positions.

Positions are being filled. Mission•critical positions to provide services and meet core missions of departments are being filled. Budget Review Office will be issuing the W•2 analysis for 2005 and that analysis will show that 704 employees have received termination payments during the year to separation of service. Because of back•filling of higher level positions, the Executive authorized 1,020 positions to be filled during 2005.

Now, as this is not a good government bill, the question is is it a political bill? And all I can say is that when we went back in history, this bill is copied from a bill that was submitted by former Legislator Greg Blass back in 1987. In 1987, you will remember, that was the last time Suffolk County had a Democratic County Executive. Yeah. That bill has been recycled, but Legislator Romaine's on it now. It's a copy of that bill.

**LEG. EDDINGTON:**

It's unknown to me.

**MR. ZWIRN:**

Yeah.

**LEG. EDDINGTON:**

But I'm glad I'm in good company.

**MR. ZWIRN:**

Well, what a coincidence. Unfortunately, it establishes a pattern that we've seen. We've had copies of bills, we've had copies of press releases. And I have to tell you, it got so bad, Presiding Officer, that this morning I looked on my wall at the U.S. Constitution, and look whose name is •• Ed Romaine's name is on the wall under the glass. I don't know how it got there, but nothing, apparently, is sacred.

On top of that, we got a CN request today for a resolution from Legislator Romaine, a bill to create tax savings through consolidating a list of all Suffolk County residents who have working telephones for the purpose of smart government tax savings. It's the phone book, it's the Verizon phone book.

**P.O. LINDSAY:**

Okay.

**MR. ZWIRN:**

I think •• I think we've gone too far.

**P.O. LINDSAY:**

Okay. Thank you, Mr. Zwirn, for your comments. Legislator Romaine has a question.

**LEG. EDDINGTON:**

First of all, Ben, I appreciate your humor, and it is •• first of all, I didn't know that Greg had introduced that, but I'm glad I'm in good company. As former Counsel can tell you, I

started working on that bill since the day I was elected. But I'm glad to hear that Greg also had a similar idea, and, as I said, I appreciate your humor.

Here's my problem, and let me explain it to you and maybe you can take that message back to the County Executive. One, come November, I'm going to be asked as a County Legislator to vote on a budget in which there are going to be vacant positions and positions that will be kept vacant, and I will be asked to tax taxpayers for services that they're not receiving. To my mind, that's not an honest budget. Secondly, when the County Executive decides which positions to fill and which not, and how much money he's going to save by not filling these positions, he's doing my job. He's amending the budget de facto without the involvement of the rest of the Legislature. Thirdly, do you really doubt that if the County Executive thinks for one minute that we have a shortfall in sales tax, or we need to cut back, that he was •• if he comes before this podium and says, "These positions are unnecessary, or we have to eliminate these positions because we have a financial problem," and he submits an amendment, as he should, to the budget so we all get a chance to vote on it, because he shouldn't make that decision alone, that we're not going to support that effort? Of course, we are. What this makes him do is say, "Hey, stop putting positions in the budget that you have no intention of filling, stop tax •• stop taxing the taxpayers for services that you're not providing.

**P.O. LINDSAY:**

Question, question.

**LEG. EDDINGTON:**

So my message is a simple one. Let's keep budgeting practices on the up and up in Suffolk County. Thank you.

**P.O. LINDSAY:**

Do you want to answer the question?

**D.P.O. VILORIA•FISHER:**

Please, don't give them an opportunity.

**P.O. LINDSAY:**

Legislator Alden.

**MR. ZWIRN:**

Somebody will have to find it.

**LEG. ALDEN:**

I have what should be a quick question. And I've seen you, watching you come up and testify, and now it's for quite a period of time, and today you've been up there a lot, and there's one thing I'm really bothered with, and that's how do you get your glasses to stay up on your forehead, because when I did it before, they keep falling down, and before it fell off and the thing poked me right in the eye. So, how does that happen, Ben?

**P.O. LINDSAY:**

That is a legitimate question.



**MR. ZWIRN:**

That's a legitimate question for me, and it's one of the few questions I can really answer.

**LEG. ALDEN:**

Go ahead.

**MR. ZWIRN:**

I have hooks on the •• my glasses are •• these glasses are older than most of the people on the Legislature. But ••

**LEG. ALDEN:**

Thank you.

**MR. ZWIRN:**

They hook around the back.

**LEG. ALDEN:**

I thought you had a little Velcro or something.

**P.O. LINDSAY:**

Okay. Does anybody else want to speak on I.R. 1070? Not hearing anybody, what is your pleasure?

**LEG. EDDINGTON:**

Mr. Chairman, I'd like to move to recess it, since I filed amendments and I'm ••

**LEG. ALDEN:**

Good. Second.

**LEG. EDDINGTON:**

•• entertaining other possible changes that maybe make this bill more palatable or •• to either the County Executive or my fellow Legislators.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

Second the motion.

**P.O. LINDSAY:**

So we have a motion to recess by Legislator Romaine and a second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

16.

**P.O. LINDSAY:**

Okay. Next we have ***I.R. 1114 • A Local Law to authorize County registry for domestic partners.*** And we have Steve Henaghan.

**MR. HENAGHAN:**

Mr. Presiding Officer and Ladies and Gentlemen of the Legislature, my name is Steve Henaghan and I live in Mastic, Long Island, and I'm here in support of Intro. 1114. And I just wanted to let you know how this would impact on me personally.

I've had two •• I'm gay and I've had two long•term relationships. The first one was 22 years, and then I was single for a year, and then the second one, which I'm currently in, is nine years. My current partner at the law firm that he works at has domestic partnership benefits, and he went to put me on his health plan and we had to actually jump through hoops to meet the requirements for me to get on his health plan to prove that I was his domestic partner. It actually would have been easier for me to prove that I was my former partner's domestic partner, even though we've been broken up for over ten years already, than it is to prove that I am my current partner's domestic partner.

We •• they •• one of the requirements they asked, "Well, is the •• is the deed to your home in both names?" No, it's not, it's in my name. I had the house before I met him. The will, I wrote my will out in 1977 when I was 22 years old. My will has my first partner as my beneficiary and my executor •• executive to the will. Did we have a joint bank account? No, we didn't. All of these •• yet, we've been together for nine years and it was almost impossible for us to prove that we were domestic partners. So we had to sort of artificially create the items we needed, so we opened up a bank account together and we did these things. The utilities to the house have all been in my name. I bought the house in 1976, so they've been in my name for 30 years already. So we had to artificially create all the requirements.

Now, he's thinking of changing jobs again. When he changes to go to another job, we're going to have •• we're going to have to go through this whole procedure again, trying to appease and to prove that we're domestic partners.

And here on Long Island, especially in the western towns here, there are two townships that have domestic partnerships. They're Huntington, which was passed in June of 2004, and then there is Babylon, which passed on December 21st, 2004. But they don't open up their registries to people who live in Brookhaven, or Islip, or Smithtown, or any of the other towns, so there's no way for us to register in our town where we live, Brookhaven doesn't have a registry.

There are laws that are •• and this is not a partisan issue. I know many of you think it is, which I want to bring you back to my first partner, something that had happened to the one that I was with for 22 years. In 1992 he had been in an accident and was taken to Brookhaven Hospital. The doctor asked who I was, because we actually •• we looked like brothers at the time and he thought I was his brother. I said, "I'm his partner, I'm his spouse." The doctor would not even speak to me, he wouldn't even let me in the room. I filed a complaint with Brookhaven Hospital. I didn't realize that the hospital complaint review board is internal, so my complaint went nowhere. But what I did realize was that I did have •• there was no legal right for me to even visit my partner in the hospital, especially in the ICU.

Recently, Governor Pataki signed a Hospital Visitation Law, which would allow domestic partners the right to attend to and to visit their partners in the hospital if they're incapable of telling the nurse, "Yes, he can come in." How do we •• how do we register, how do we prove to the hospital, "Yes, he's my domestic partner"? Do we wait until the last minute, and who's going to believe us? We need some type of vehicle to allow us to use the legislation that has already been put in place on a statewide basis.

So, having the registry would make our lives so much easier, and I would ask you to, please, pass this registry. And I would also like to remember our dear friend, Maxine Postal, who was also a strong supporter of this legislation, and thank you all for listening to me today. Thank you.

**P.O. LINDSAY:**

Mr. Henaghan, before you leave, Legislator Viloria•Fisher has a question for you.

**MR. HENAGHAN:**

Sure.

**LEG. VILORIA•FISHER:**

Hi, Steve. Thanks for being here. And, as you see, I'm a cosponsor on this legislation. But I do have a question about some of the remarks that you made.

**MR. HENAGHAN:**

Sure.

**LEG. VILORIA•FISHER:**

And that is that although some of the requirements that you mention are required in the domestic registry, in other words, you have to have two valid proofs that you are domestic •• indeed, domestic partners, such as some of the things that you mentioned, the joint bank account, joint ownership of your residence, what you're saying, though, is that you do it once and you don't have to repeat the process and jump through hoops over and over again; is that what ••

**MR. HENAGHAN:**

Right, exactly.

**D.P.O. VILORIA•FISHER:**

Because you still do need two ••

**MR. HENAGHAN:**

Right, you •• right you ••

**D.P.O. VILORIA•FISHER:**

•• legitimate proof.

**MR. HENAGHAN:**

Right. But the only thing is, is that when you •• when •• for example, if a company is offering domestic partnership benefits, which we pay for, by the way, they're not free, we do pay for them, when •• like with my partner, changing jobs, we have to go through that process all over again and now satisfy the new job with all of these requirements.

**D.P.O. VILORIA•FISHER:**

But you still have to update that will.

**MR. HENAGHAN:**

Well, I did that already. Yes, I did that. Believe me, I did that.

**D.P.O. VILORIA•FISHER:**

Because, if I were your present partner, I wouldn't be too happy about that.

**MR. HENAGHAN:**

Yeah, he wasn't thrilled about that either. It was in a drawer and I had it for many years.

**LEG. VILORIA•FISHER:**

And I had a second question. I suppose the second point that you raised regarding hospital visits and information, I think now, with the HIPA laws, would be even worse. With the privacy laws, it would be even more difficult to access any of your domestic partner's information unless you were on a registry.

**MR. HENAGHAN:**

Right. I would not know •• if this happened right now, I would not know with my current •• this happened with my first partner and it was in 1992 at Brookhaven Hospital. And, actually, Bob, my first partner Bob, his parents had moved to Florida. The doctor would not let me in the room, would not speak to me. We had to locate his mother in Florida, which took all day. She was elderly, but she was working part•time in Walmart and they couldn't find her, and he wouldn't even speak to me. I was not even allowed in the room. And I realize now, looking backwards, yes, he was right, I was •• there was nothing to protect me or my partner. And with •• at least, with the registry now, we could •• I can access •• have access to him in the hospital. I can't be denied entrance into his hospital room like I was in 1992. And this registry will stay with me. If we move from Brookhaven to Islip or to, you know, somewhere else in the County, we will still be registered. And again, it is •• it is offered in some townships, but, unfortunately, in the township we live in, it's not offered, so what do we do? How do we access the law that our Governor has signed into law when there's no vehicle for us to do that?

**LEG. VILORIA•FISHER:**

Thanks, Steve.

**MR. HENAGHAN:**

Thank you.



**P.O. LINDSAY:**

We have •• before you leave, Legislator Cooper also has a question.

**LEG. COOPER:**

It's really not a question, but in response to the concerns that

Mr. Henaghan expressed regarding the way the resolution is currently drafted, where the domestic partners would have to provide at least two items of written proof attesting to their financial independence, this resolution was actually written originally several years ago and I've subsequently found out that many, if not most municipalities that have established registries, instead of going that route, they have the domestic partners sign a sworn affidavit attesting that they are in a domestic partner relationship, and there are penalties that would accrue if they lied. So it serves two functions and I'm planning to revise my resolution. Number one, it would help prevent fraud, which is a concern that I have and others may have as well, but it would also get around the problem that Mr. Henaghan had ••

**LEG. LOSQUADRO:**

Is there a question, Madam Chair?

**LEG. CARACAPPA:**

Is there a question, Madam Chair?

**LEG. VILORIA•FISHER:**

I'm waiting. Do you have a question?

**LEG. COOPER:**

To get around the problem that Mr. Henaghan had raised. So, are you aware that I had planned to make that change to the resolution?

**MR. HENAGHAN:**

No.

**LEG. COOPER:**

Thank you.

**MR. HENAGHAN:**

But I'm very glad you did, that's very nice. Very good.

**LEG. HORSLEY:**

It's like Jeopardy.

**MR. HENAGHAN:**

Okay? Thank you.

**D.P.O. VILORIA•FISHER:**

Thank you, Steve. Tom Kirdahy.

**MR. KIRDAHY:**

Good afternoon. My name is Tom Kirdahy. I'm an attorney residing in Water Mill, New York. I also serve on the Suffolk County Human Rights Commission. And along with my colleague, Dr. Carolyn Peabody, who had to leave earlier today, and the entire Commission, I'd like to speak in support of today's resolution.

I've spoken about this issue to many of you on a number of occasions and I'm happy to be doing so again today. I want to give you a little history of how these statutes came about and my particular involvement with them.

Back in October of 2002, after I, as a private attorney, assisted a friend in accessing survivor's benefits for his •• for him after the tragedy of 911, I recognized that we had to set up a mechanism to help people who were in committed relationships access services that were made available to them, and to ensure that they did not suffer the added indignity of running around getting affidavits, getting old anniversary cards, family pictures, to prove that they were actually in love. This statute creates a public recording of a private commitment, nothing more, nothing less.

I'm happy to hear about the proposed changes. I drafted the first domestic partner registry that was passed in a township in New York State in the Town of East Hampton, where, with full bipartisan support, Supervisor at the time, Jay Schneiderman, signed the

bill into law. More than 100 couples later and three years or so past by, and East Hampton has not fallen off the end of the Island, the Earth continues to spin on the axis, family values are still intact, and a few more families, a few more committed, loving people are safer in their homes.

Just yesterday my partner found out, thank God, that he is four years cancer free. During his treatments I laid in the hospital every night praying for his survival, praying for his good health, praying that our lines of communication and that my loving support would at least provide him a little strength to survive this health crisis. Fortunately, as an attorney who had been providing free legal services to people living with HIV and AIDS since 1989, I had the tools at my disposal to create health care proxies, powers of attorney, and updated will, all of the things that I needed while in the hospital to show every treating physician, every nurse, every ombudsman, that I was the person to make decisions on behalf of Terrence's behalf if he was unable to do so. And I thank God that the hospital worked with me with all of those documents. But after 911, when I was helping individuals who were scrambling just to prove that they were in love, that they were in this loving relationship, having to retain attorneys, spend more money, grieving the loss of their loved ones, and just trying to show the world, "Yes, it's true, we were a couple, we were in love. Governor, thank you for telling us that we have survivor's benefits, but now how are we going to get them?" This legislation helps people do exactly that, nothing more, nothing less. It creates a public recording of a private commitment.

When Terrence and I registered, I was able to go to my employer, Nassau•Suffolk Law Services, show, after proving that we had joint bank accounts, that I was on the title to the house, that we were emotionally and financially interdependent, I had to sign an affidavit that said if I committed any form of fraud, not only was I criminally liable, I would be civilly liable to the insurance companies that I may have duped in doing so. Excellent legislation. A good check and balance on a very important system to make sure that no one abuses this system. But the truth of the matter is, since 2001, Governor Pataki signed a number of bills that help committed domestic partners access benefits. Just this week he signed the Domestic Partner Remains Act which says that, if your partner dies, you have control over what happens to his or her body, not the family in Wisconsin that

threw you out when they found out that you were gay and HIV positive, but the person you lived with for 24 years, loved and gave all those rights to or believed that you had given those rights to.

This legislation is good public policy. It won't cost you a nickle. It might make you a few bucks. It's what most Fortune 500 companies are providing for their employees these days. And I want to say that as a person who grew up in this town, in Hauppauge, where my large Catholic family includes my partner and I in all of our family events, I think that if we •• if we pass this, there will be nothing that will give me a greater sense of pride in the town that I grew up in and the Island that I love. Thank you for supporting this resolution.

**LEG. VILORIA•FISHER:**

Thank you, Tom. We have one more card, but I believe you said that she left, Carolyn Peabody?

**MR. KIRDAHY:**

Yes, she did.

**LEG. VILORIA•FISHER:**

Okay. Thank you. We have no more cards. Legislator Cooper?

**LEG. MYSTAL:**

Motion to close. Cooper. Coop, motion to close.

**LEG. COOPER:**

Motion to recess.

**LEG. VILORIA•FISHER:**

Motion •• I'll second that.

**LEG. MYSTAL:**

Why are you recessing?

**LEG. COOPER:**

Because I'm modifying the bill, and if not, I have to refile the whole thing.

**LEG. VILORIA•FISHER:**

Motion to recess. All in favor? Opposed? Motion to recess.

**MR. LAUBE:**

18.

**LEG. VILORIA•FISHER:**

Thank you. *I.R. are 1142 (A Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display of public warning notices regarding pesticides).* I don't see •• is there a card for that?

**P.O. LINDSAY:**

Yeah, 1142, that's what we're up to.

**D.P.O. VILORIA•FISHER:**

We're up to 1142.

**P.O. LINDSAY:**

Sarah Anker.

**LEG. VILORIA•FISHER:**

Thank you, Mr. Chair. Sarah Anker? Sorry, I didn't know where you had the cards, Bill.

**P.O. LINDSAY:**

No, that's the last one.

**LEG. VILORIA•FISHER:**

1142.

**P.O. LINDSAY:**

This is a Local Law to establish a Suffolk County Citizens Public Health Protection Policy for requiring retail display of public warning notices regarding pesticides. Okay, Sarah.

**MS. ANKER:**

Okay. I want to welcome the new Legislators. I don't think you are familiar with me. Some of you may be, but my name is Sarah Anker, and I started a coalition about four years ago when New York Department of Health came out with a cancer mapping and it showed Mount Sinai, along with seven other zip codes, actually three at the time, they expanded, was a breast cancer cluster. My coalition is Community Health and Environment Coalition. And I actually was trying to make the 1068, which I support, but since that's been closed, I will go on to 1142, and that has to do with pesticide notification.

I just wanted to comment as far as the Legislature has been so proactive with issues regarding health and the environment. It's been frustrating. I called the State. I was in touch with Department of Health. And the latest news on that is that they have finished their study. They have recommendations, they have conclusions, but they don't have a cause, because that's •• they said that's not what they did their investigation for. But Mount Sinai is an old farming community and there were so many pesticides used. And I think whatever the Legislature can do to promote the use of less pesticides, less toxic pesticide, would be a very proactive step to take.



In working with the different levels of government, I have to say the County has far exceeded the most proactive steps taken. The State, no. EPA, no. Federal, town, we'll see.

## **[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]**

**MS. ANKER:**

But again, what the Legislatures have •• Legislators have done, the bills that you've passed in creating protection, I have to commend you. And I've worked with Amy \\_Eukatz\\_ and I've attended the Pesticide Community Advisory Council and she's trying so hard to do her job that you have mandated, a lot of bills and a lot of laws that our County needs to follow.

So I just wanted to support 1142 and hope that you will again lead the way as innovators and facilitators in what you do. There are so many issues that arise and right now I'm working with the school on an issue, a mold issue at the school. But last •• last year in September, unfortunately our school accidentally put down a pesticide, 24•D, and they didn't notify the County, they didn't follow the State law, and it was granular substance so it was exempt from State, County; I don't know and I don't know who intends to enforce that. But it was done and they apologized and they said, "You know what? We didn't realize 24•D, an herbicide, was actually a pesticide," and I think that's, again, relating to 1142. People need to really be aware of what they're using on their lawns and try to understand how it effects their health and how it effects their children's health.

And again, you know, as I watched 525 little kids, elementary school•age, playing soccer on a field that less than 24 hours had been •• 24•D had been applied, at the time I didn't

know and I was in touch ●●

**P.O. LINDSAY:**

Could you sum up, Ms. Anker?

**MS. ANKER:**

●● with Patty Wood and she did say that's what that was. But again, so I hope you do support 1142. Thank you

**P.O. LINDSAY:**

Thank you very much. That's the only card I have on 1142. Is there anyone else that would like to speak on Introductory Resolution 1142? Hearing none, I'll make a motion to recess. Do I have a second?

**LEG. VILORIA•FISHER:**

Second.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

16 (Not Present: Legislators Mystal & Cooper).

**P.O. LINDSAY:**

Okay, and the last one is ***IR 1143 • A Charter Law to require all leases for property at Francis S. Gabreski Airport to be approved by the Legislature to streamline County government.*** I have no cards. Is there anyone in the audience that would like to speak on IR 1143?

Seeing none, I will ••

**LEG. SCHNEIDERMAN:**

Mr. Chairman, I'd like to make a motion to recess.

**P.O. LINDSAY:**

Okay, I'll second that motion. All in favor? Opposed? Abstentions? And I'm sorry, that wasn't the last one ••

**MR. LAUBE:**

16 (Not Present: Legislators Mystal & Cooper).

**P.O. LINDSAY:**

•• we have one more, ***1144 • A Local Law to encourage and facilitate participation by minority group members and women with respect to Suffolk County contracts.***

**MR. LAUBE:**

Elie is here, that vote was 17 (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

I have no cards. Is there anyone in the audience that would like to speak on 1144?

**LEG. VILORIA•FISHER:**

I would like to make a motion to close.

**P.O. LINDSAY:**

I have a motion by Legislator Viloría•Fisher to close. Do we have a second?

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17 (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

Okay. All right, that concludes the public hearings.

I would like to exercise the prerogative of the chair and make a motion to waive the rules and to discharge IR 1068 for the purpose of voting on it later this evening

**LEG. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

And it has to age an hour. There's a second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**

Opposed.

**P.O. LINDSAY:**

Opposed, Legislator Losquadro. Anyone else?

**LEG CARACAPPA:**

That was to discharge?

**P.O. LINDSAY:**

Discharge.

**LEG. CARACAPPA:**

I'm opposed

**P.O. LINDSAY:**

Opposed, Legislator Caracappa. Any abstentions?

**MR. LAUBE:**

16 (Opposed: Legislators Losquadro & Caracappa).

The next thing, we've got to set the date for the following ••

**LEG. MYSTAL:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Yes.

**LEG. MYSTAL:**

A point of order. I'm freezing in here, do something about this.

**LEG. COOPER:**

Yeah, someone turn off the air•conditioner.

**P.O. LINDSAY:**

We have called maintenance.

**LEG. EDDINGTON:**

They've got the air on.

**LEG. SCHNEIDERMAN:**

Talk about energy policy, huh?

**P.O. LINDSAY:**

All right, the following public hearings have been set for Tuesday, March 14th, 2006, at 5:30 PM at the General Meeting of the Legislature in the Maxine Postal Auditorium, Riverhead, New York; IR 1154, IR 1159, IR 1175, IR 1177, IR 1213, IR 1214, IR 1219, IR 1221, IR 1229.

At this time, I would like •• I would like that we go into executive session to answer the question by Legislator Nowick that was brought up earlier today. With us is the County Attorney, Christine Malafi, and I would like just the Legislators, Budget Review, County Executive; everybody else, please vacate the auditorium.

I need a motion, I'm sorry

**LEG. ALDEN:**

Second to the motion.



**P.O. LINDSAY:**

Second to the motion. All in favor? Opposed? Abstentions?

**(\*Executive Session: 4:40 PM • 4:58 P.M.\*)**

**P.O. LINDSAY:**

All Legislators please come to the horseshoe. Mr. Clerk, you better call the roll.

**(\*Roll Called by Mr. Laube • Clerk\*)**

**LEG. EDDINGTON:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

(Not Present).

**LEG. CARACAPPA:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes, present.

**LEG. COOPER:**

Here.

**LEG. VILORIA•FISHER:**

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

17 (Not Present: Legislator Browning).

**P.O. LINDSAY:**

Okay, I'm going to recognize Legislator Kennedy for the purpose of a motion.

**LEG. KENNEDY:**

Yes, thank you, Mr. Chair. I'd like to make a motion to go ahead and take a resolution out of order, it's IR 1122 from the Ways & Means Committee; this is for the lease of the property at 200 Wireless Boulevard.

**P.O. LINDSAY:**

Do I have a second?

**LEG. NOWICK:**

Second

**P.O. LINDSAY:**

Second by Legislator Nowick; did you second that?

**LEG. NOWICK:**

Yes

**P.O. LINDSAY:**

Yeah, okay. All in favor? Opposed? Abstentions? It's before us.

***IR 1122•06 • Authorizing the lease of premises located at 200 Wireless Boulevard, Hauppauge, New York, for the use by the Department of Social Services and the Department of Health Services. Do I have a motion.***

**LEG. KENNEDY:**

Yes, Mr. Chair. I'll make a motion to approve.

**LEG. MONTANO:**

Second.

**LEG. COOPER:**

Second

**LEG. KENNEDY:**

Okay, I would like to go ahead and speak on it for just a moment?

**P.O. LINDSAY:**

Yeah, the motion is by Legislator Kennedy, the second is by Legislator Montano. And I recognize you, Legislator Kennedy.

**LEG. KENNEDY:**

Okay. Since the meeting on Thursday, Mr. Chair, I want to commend the County Attorney's Office for this project, the Department of Health, Department of Social Services and the landlord. I had a tremendous number of questions at the committee meeting, as you know, and I would say that they went way above•board to go ahead and meet all of the concerns.

I'll also say that the landlord actually took up my suggestion and reached out to the Hauppauge Industrial Association, they've indicated to them that they have no level of opposition.

I will ask just one further request to the administration. I'm told that there is not bus transportation into the industrial park to this site. I'd ask that through Public Works, if the County Attorney's Office or Mr. Zwirn can take back that request, that the bus line be extended there. And based on that, I'll make the motion to approve.

**P.O. LINDSAY:**

Do you want to comment on that?

**MR. ZWIRN:**

No.

**P.O. LINDSAY:**

No? Okay. Any other comments about this? We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Okay. I know a lot of people have been waiting for this resolution,

I thank you for your patience.

Okay, we'll go back to where we left off. ***IR 1138•06 • To reappoint a member of the County Planning Commission (Sara Landsdale).***

**LEG. VILORIA•FISHER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría•Fisher. Do I have a second?

**LEG. COOPER:**

Second, Bill.

**P.O. LINDSAY:**

Second by Legislator Cooper. On the motion, anybody want to comment? Okay. All in favor? Opposed? Abstentions?



**LEG. CARACAPPA:**

Abstention.

**P.O. LINDSAY:**

Legislator Caracappa abstains. Any others? Okay, that's it, call it.

**MR. LAUBE:**

17 (Abstention: Legislator Caracappa).

**P.O. LINDSAY:**

***IR 1055•06 • To supplement the existing HEAP Program to benefit a wider range of Suffolk residents (Alden).*** What's your pleasure, Legislator Alden?

**LEG. ALDEN:**

Motion to approve

**LEG. CARACAPPA:**

Second

**LEG. LOSQUADRO:**

Second

**P.O. LINDSAY:**

Second by Legislator Losquadro.

**LEG. VILORIA•FISHER:**

Cosponsor, please.

**P.O. LINDSAY:**

On the motion, anybody want to comment?

**LEG. COOPER:**

Cosponsor, please

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**LEG. MONTANO:**

Cosponsor.

**LEG. NOWICK:**

Cosponsor.

**LEG. HORSLEY:**

Cosponsor.

**LEG. STERN:**

Cosponsor.

**LEG. EDDINGTON:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

Cosponsor.

**P.O. LINDSAY:**

Who does not want to cosponsor?

**LEG. MYSTAL:**

All 18

**MR. LAUBE:**

All 18. Vote, 18.

**LEG. HORSLEY:**

We're with you, Cameron.

**P.O. LINDSAY:**

Okay, ***IR 1057•06 • Reforming County sick leave policy for exempt employees in any County department, office or agency for cost containment or on a prospective basis.***

**LEG. VILORIA•FISHER:**

Motion

**P.O. LINDSAY:**

Motion by Legislator Vilorio•Fisher, second by Legislator Horsley.

On the issue?

**LEG. D'AMARO:**

Yes. I'll just note for the record that I'm going to recuse from participation in any aspect of this resolution.

**LEG. CARACAPPA:**

Which one is that?

**LEG. SCHNEIDERMAN:**

1057.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. EDDINGTON:**

Yes, this resolution is better known as the four•for•one?

**LEG. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

I'm opposed to this for a number of reasons. One, it's going to create two different classes of employees for Suffolk County •• those that have two•for•one, those that have four•for•one •• and that's something that is inherently unfair and we should not be doing. Secondly, if the goal of this legislation is to save money, there's better ways to do it and more money to be saved, and let me explain what I mean.

If you enact this, what do you think is going to happen in terms of sick time in this County? Every employee is going to •• that's affected by the four for one is going to bang in sick. You're going to reduce the productivity of this government and it's going to have a major affect on the operations in terms of the exempt employees.

Secondly, if you want to save money you can do it by leaving the two•for•one in place by a simple, simple message; pass legislation to limit how much people can carry over from year•to•year. So if they can carry, let's say, 30 days sick, any more than that they're paid out at the end of each year. Now, if Budget Review does a financial analysis, I think they'll find that over the course of the longevity of a County employee of 10 or 15 or 20 or 25 years, you will actually save more money that way, you will encourage people to show

up to work because they will know that they'll get their ●● once they accumulate their 30 days, thereafter they'll have a Christmas bonus because by showing up to work every single day, at the end of that year they'll be paid out at a much lower rate than they would be paid out when they retire. So you will actually probably save more money.

And I would like to see Budget Review do that analysis and that's something that we should think about if we're talking about saving money, being fair to our employees and encouraging productivity. This bill does none of those things, it does just the opposite, you will save some money but you could save more the other way. You will decrease productivity and you will create two separate classes of workers in this County, and for that reason I will oppose this bill. Thank you

**P.O. LINDSAY:**

Anyone else? Seeing none, we have a motion and a second?

All in favor? Opposed?

**LEG. EDDINGTON:**

Opposed.

**LEG. SCHNEIDERMAN:**

Opposed.

**P.O. LINDSAY:**

Abstain?

**LEG. EDDINGTON:**

Roll call.

**P.O. LINDSAY:**

Roll call.

(\*Roll Called by Mr. Laube • Clerk\*)

**LEG. VILORIA•FISHER:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. EDDINGTON:**

No.



**LEG. SCHNEIDERMAN:**

No.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Abstention.

**LEG. LOSQUADRO:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Abstain.

**LEG. NOWICK:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Recuse.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

10 (Opposed: Legislators Romaine, Schneiderman, Losquadro & Nowick • Abstentions: Legislators Caracappa, Alden & Kennedy • Recused: Legislator D'Amaro).

**LEG. EDDINGTON:**

Mr. Chairman?

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Would it be appropriate at this time to possibly recommend that Budget Review might do a cost analysis of what I just suggested? Because I'd like to get that information, it may

be helpful to all the members of this body because I just think we voted for a method that will not give us as much savings as we could have achieved.

**P.O. LINDSAY:**

Legislator Romaine, Budget Review works for all of us, you could request that analysis at any time.

**LEG. EDDINGTON:**

I just wanted to check with you first.

**P.O. LINDSAY:**

Yes, that's fine.

**LEG. EDDINGTON:**

Thank you.

**P.O. LINDSAY:**

Okay, ***IR 1084•06 • Authorizing planning steps for the implementation of Suffolk County Workforce Housing Program.***

**LEG. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal, do I have ••

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. On the motion, anybody want to comment on 1084?  
Hearing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

17 (Not Present:

**LEG. MYSTAL:**

Tim, cosponsor on the previous bill.

**P.O. LINDSAY:**

**1139•06 ••**

**LEG. MYSTAL:**

And this one, too.

**P.O. LINDSAY:**

**•• *amending the Suffolk County Classification & Salary Plan and 2006 Operating Budget in connection with a new position title in the Department of Public Works.***

Do I have a motion?

**LEG. D'AMARO:**

So moved.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro. Second, Legislator Stern.

On the question, 1139

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**P.O. LINDSAY:**

Legislator Kennedy, you want to speak on this?

**LEG. KENNEDY:**

Yes, I'd like to. I have a question, I guess, for somebody from the administration, if they're here.

**P.O. LINDSAY:**

Ben. You have any props, Ben?

**MR. ZWIRN:**

No props. Give me a minute.

**LEG. KENNEDY:**

I must be up on your wall someplace, you know. My question with this resolution goes to the duty statement that I saw prepared with it which speaks in broad terms about oversight for a variety of capital projects including the jail. I then look at the requirements associated with this position and I see that there is no licensure whatsoever, no PE, no architectural license, no anything, it's merely just years of experience associated with a capital project. There are many, many positions that we have that are oversight positions that require all kinds of licensure, and it's a grade 35, I believe, which I'll ask BRO to tell me how much that goes for. I'm curious, how did this come about?

**MR. ZWIRN:**

You want me to answer while ●●

**LEG. KENNEDY:**

Sure.

**MR. ZWIRN:**

Through the Chair?

**LEG. KENNEDY:**

I'm all ears.

**P.O. LINDSAY:**

Please.

**MR. ZWIRN:**

The reason that the County Executive is proposing to create this position, and you know how painful it must be ●●



**LEG. MYSTAL:**

For him to create a position.

**MR. ZWIRN:**

•• you know, for the County Exec to create a new position. The reason is is that there's a great deal of frustration on the part of the County Executive and the Legislature on seeing some of their capital projects being done. It's taking an inordinate long time and the County Executive felt that if we could create a Civil Service position, somebody who will take a test, somebody who comes out of the municipal ranks •• and I think that's what they're looking for, to pull somebody from a municipality who has had some experience doing this •• that we can get a better handle on some of these capital projects, because there's so many of them in the pipeline. So that we can have somebody that will work with Public Works, work with the Legislature work with the County Exec's Office to try to get these projects moving and to find out, if they're not moving, why not

**LEG. KENNEDY:**

Was this requested by the department?

**MR. ZWIRN:**

I don't believe so, no

**LEG. KENNEDY:**

Oh, it wasn't?

**MR. ZWIRN:**

No.

**LEG. KENNEDY:**

Okay. So this is something that on his own, the County Executive took a look at and decided that this might be the appropriate level for management and oversight of a \$400 million Capital Program?

**MR. ZWIRN:**

No, in addition to the people that are in Public Works, in addition to the Commissioner. But to get an extra body in there, somebody with expertise in this field to try to get a handle and get some answers on some of these projects and why they're not moving along at a quicker time.

**LEG. KENNEDY:**

Again, I'll go back to why the lack of what would seem logical for some type of licensure or level of expertise as far as the requirements?

**MR. ZWIRN:**

Well, I know that the County Executive's Office worked with Civil Service and Civil Service was here at the committee meeting and was in favor of this position, they had no problem with it.

**P.O. LINDSAY:**

John, what you don't realize, one of the capabilities is to do sound studies, this guy's going to do sound studies.

**LEG. EDDINGTON:**

For those sound walls that we need, you can get them done.

**LEG. KENNEDY:**

Let me hold my breath, Mr. Chair. Again, thank you for the answer;

I'm not convinced, but thank you

**P.O. LINDSAY:**

Legislator Mystal.

**LEG. ALDEN:**

How much is a grade 35?

**LEG. MYSTAL:**

I would suggest to my colleagues, whenever County Executive Levy creates a job you all

jump on it, because the man can pinch a penny until Lincoln cries. So please, you know, let's vote on it before the job is gone; you keep talking, he will rescind the bill in a minute.

**P.O. LINDSAY:**

Legislator Nowick.

**LEG. NOWICK:**

Yeah. Ben, I was just curious, is the reason that these capital projects are not being completed because we don't have this one person to put everything together, or is the reason more that Public Works can't •• does not •• couldn't conceivably have enough people to do all these projects?

**MR. ZWIRN:**

No, a lot of the work in Public Works ••

**LEG. NOWICK:**

I mean, will this really make these capital projects happen, this one person?

**MR. ZWIRN:**

I think the County Executive will get better answers, and so will the Legislature, if the projects aren't moving along quickly enough. We've had cost overruns at the jail. The

County Executive is concerned about that and he'd like to get a better handle on what's going on with these capital projects in Public Works, so he's reaching •• you know, it's something that's painful for him to do is to create a position to get it done, but he thinks in the long run there'll be better answers. It's clear, I mean, some of the projects that are pet projects of the Legislature are taking a longer time than usual, they're consultant contracts. I mean, to have \$140,000 to spend on a sound wall study, I mean, seems like an awful lot of money when there's no question that there's a problem with sound, that if you hold a decibel meter up there in the air, the people there are not complaining because they don't have •• you know, they haven't got a real problem. So, I mean, we want to get a handle what takes so long, can we do some of these things in•house, can we move them along faster, can we get some answers quicker, and I think that's why this position is being created.

**LEG. KENNEDY:**

Mr. Chair?

**LEG. NOWICK:**

Wait, just one second, John. Ben, just to finish, though, this doesn't run for a specific term until everything is cleared up, this is ad infinitum this position? In other words, clear up the mess and then no longer have the position, or we're going to just keep the position?

**MR. ZWIRN:**

Well, we have about \$400 million worth of capital projects in the pipeline, so I think there is plenty for this person to do.

**P.O. LINDSAY:**

Do you suspect there's some suspicion around here? I mean, you know. Legislator Romaine.

**LEG. EDDINGTON:**

I am so happy to hear you talk about sound walls, because my fellow colleague, Legislator Lindsay, has a resolution up which I'm going to support for a sound wall study. But I want to bring you back in time because another Legislator of a different persuasion had a sound wall study, one, that people probably held up decibels, probably said, "There's a problem here," one that this Legislature passed, one that this County Executive vetoed, one that this Legislature overrode his veto, and one that •• how many months is it now, John •• is approaching almost a year and that resolution, adopted resolution in which you hired a consultant to do this, there is absolutely no action. It's as if •• and forgive me if I characterize this, it's as if the County Executive wants to have the final veto regardless of the actions of the Legislature. Now, I trust that isn't the case, and I want to say that right away. But could you tell me what happened to Legislator Kennedy's resolution that this body legally adopted that doesn't seem to be implemented at this time?

**MR. ZWIRN:**

Through the Chair, maybe this is not the right time to go into this debate. I mean, I'll be glad to follow•up and answer any questions at the end of the meeting, but I •• I mean, I'd be glad to do it now, but I know you have a calendar still pretty full.

***[RETURN OF COURT STENOGRAPHER•LUCIA BRAATEN]***

**LEG. KENNEDY:**

Mr. Chair, if I can. I appreciate my colleague raising the issue. As you know, and everybody around here knows who was here last year and since they've been here this year, I've raised sound studies several times. I'll just make two observations. One, in my wildest dreams, I do not believe this individual is going to go out and conduct a sound study. L.K. McLean was the contractor who actually received the favorable bid and who had three of the four parts of the contract executed to have them conduct a study. So this individual isn't going to conduct a study, this individual is going out there at the behest of the administration for some reason. I don't think they're going to have us build a better jail. I don't think they're going to go ahead and have us build a County Center that's going to get renovated faster. I don't know what they're going to do. But I want BRO to tell us how much we're going to pay this individual for whatever it is they will or won't do.

**MS. VIZZINI:**

The Grade 35 position, the Public Works Capital Projects Manager, for a Grade 35, the salary ranges between 82,000 at the entry level to 121,000 at the top step.

**LEG. KENNEDY:**

And how much is the factor that goes along with benefits added to that? When we price out a position, we add another what, 33%?

**MS. VIZZINI:**

It's an additional \$35,000 in terms of total •• at top step, it would be an additional 35,000 for total fringes, retirement ••

**LEG. KENNEDY:**

Top end is 150 grand, my sound study was 144. Thank you.

**MR. ZWIRN:**

But with respect to the sound study ••

**P.O. LINDSAY:**

Nobody asked you about the sound study.

**LEG. SCHNEIDERMAN:**

Bill.

**P.O. LINDSAY:**

Who else? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Bill •• Ben, you had spoke before about this concept of maybe bringing somebody in from the Towns. It sounds somewhat like you have somebody in mind. Would it be fair comparing it to the Towns, that what the position you're trying to create is similar to like a



Clerk of the Works that you might see on the Town level; is that a fair characterization?

**MR. ZWIRN:**

As a former Town Supervisor, I don't •• we didn't have that position in our Town budget.

**LEG. SCHNEIDERMAN:**

It sounds like that's what this is. And my •• but my real question would be is isn't that what the Commissioner of Public Works already does, and would this be creating just simple redundancy? And have we heard from Commissioner Bartha on how this position would interface with the •• with his current position?

**MR. ZWIRN:**

Well, it's not going to •• it's not taking the place of the Commissioner, but it's to aid the Commissioner and Public Works in getting answers to the Legislature and the County Executive. We're not happy with jail overruns, you know, the costs there that have come as sometimes as a surprise to the County Executive. Some of these projects that are just taking an inordinate •• you want a •• we want to build a hangar out at Gabreski Airport. I mean, we still have •• they want to pay consultants to do that. We want to find out what's taking so long with respect to some of these projects, which seem to us something that should be done already. The money's been appropriated, these things can be done. All we seem to be getting is more and more studies. We're trying to be able to try to move government along, and we're hopeful that this position would aid the County Executive in doing that.

**LEG. SCHNEIDERMAN:**

Has the Commissioner requested the position?

**MR. ZWIRN:**

No.

**LEG. SCHNEIDERMAN:**

Has he commented on the position?

**MR. ZWIRN:**

I don't know. Not that •• I'm not aware of.

**LEG. SCHNEIDERMAN:**

Wouldn't it be fair to ask for those comments before we move forward?

**LEG. EDDINGTON:**

And hire someone to work for him?

**MR. ZWIRN:**

This is the County Executive's request, it's not •• it's not coming from the Commissioner of Public Works, it's coming from the County Executive.

**P.O. LINDSAY:**

Any other comments? Legislator Losquadro.

**LEG. LOSQUADRO:**

Mr. Zwirn, much in the way that we discussed the Planning Commission appointments, of having an open dialogue to make sure that individuals work well together, that there's not built in animosity, I think to have someone who is looking to oversee projects and would be working with the department to • it might be prudent to have a discussion with them, at least conceptually, about creating this position. But that's neither here nor there. There would be the elimination of, if I understand correctly, a Grade 17 position to create this, a Grade 39; is that correct? Right?

**MS. VIZZINI:**

The Grade 17 is abolished as an offset, meeting the Charter requirements. If you add a new position, you have to abolish a position.

**LEG. LOSQUADRO:**

And what is that Grade 17 title?

**MS. VIZZINI:**

Grade 17 ranges at entry level from 37,000 to 56,000.

**LEG. LOSQUADRO:**

Is there a ••

**MS. VIZZINI:**

It's an Assistant ••

**LEG. LOSQUADRO:**

Is there a particular title in mind?

**MS. VIZZINI:**

Yes. The resolution abolishes an Assistant Clerk of the Works, Grade 17, which happens to be vacant, and creates the new •• the new Grade 35, Public Works Capital Projects Manager. At entry level, there would be a •• the Grade 35 is another \$44,000, at top step, it's another \$65,000.

**LEG. LOSQUADRO:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

The Clerk of the Works is a very important position to actually a lot of people that are working in Suffolk County, because they ensure compliance with certain requirements, and that might not be the best or the most thought out way to go in this is abolish that. And I apologize, but I missed how much is a •• the grade that's being created, how much does it pay in there?

**MS. VIZZINI:**

The range is from, 82,000 at entry level to 121,000 at top step.

**LEG. ALDEN:**

Okay. Who's on the top of the list that's going to go into that job?

**MR. ZWIRN:**

I don't know offhand, but I know that there are people that they have in mind, but some of those people are in positions right now with other municipalities, so we'd rather not •• I don't have the names, but if I did have the names, we'd be reluctant to release them at this stage, because, if they don't get the position, they might put their jobs in jeopardy.

**P.O. LINDSAY:**

Legislator Vilorio•Fisher.

**D.P.O. VILORIA•FISHER:**

But that would have to be a provisional appointment, would it not ••

**MR. ZWIRN:**

Yes.

**LEG. VILORIA•FISHER:**

•• because this is a civil service position?

**MR. ZWIRN:**

That's correct.

**D.P.O. VILORIA•FISHER:**

And there is currently no list on this, so ••

**MR. ZWIRN:**

Right.

**LEG. VILORIA•FISHER:**

You would have to post it, someone would have to take a test, and this would be a State test, so that it would take about nine months for us to get this back?

**MR. ZWIRN:**

Right. And this person would have to be reachable.

**LEG. VILORIA•FISHER:**

And it would have to be somebody who's reachable. So you could possibly be filling this position with a provisional appointment at this level and have to fill it with a different person in a year's time, let's say.

**MR. ZWIRN:**

That's possible.

**LEG. ALDEN:**

I'll submit my resume.

**LEG. CARACAPPA:**

Yeah, but they'll do provisional in the meantime.

**LEG. VILORIA•FISHER:**

Pardon me?

**LEG. CARACAPPA:**

They'll hire provisional in the meantime.

**LEG. EDDINGTON:**

Right.

**D.P.O. VILORIA•FISHER:**

Yes, I know, he would •• that's what I'm saying, there would be a provisional hiree, and then in a year, if that person is not reachable. But would that person be taking the test, then, provisionally? I mean, would they have extra points on that test if they are taking it ••

**LEG. CARACAPPA:**

You just have to pass.

**LEG. LOSQUADRO:**

All they have to do is pass it.



**LEG. CARACAPPA:**

All you have to do is pass.

**LEG. VILORIA•FISHER:**

If you're a provisional appointment. You don't have to be in the reachable, you don't have to be in the top three?

**LEG. EDDINGTON:**

No, no.

**MS. VIZZINI:**

You have to be reachable.

**LEG. EDDINGTON:**

No.

**MS. VIZZINI:**

You always have to be reachable.

**D.P.O. VILORIA•FISHER:**

That's what I thought, okay.

**LEG. MYSTAL:**

Let's vote.

**P.O. LINDSAY:**

Any other question? I'm trying, I'm trying.

**LEG. MYSTAL:**

Vote, come on.

**P.O. LINDSAY:**

I don't hear •• oh, Legislator Montano.

**LEG. MYSTAL:**

Oh, no. Rick. Rick, no.

**MR. MONTANO:**

One question, Elie.

**LEG. MYSTAL:**

No.

**LEG. ALDEN:**

Easy.

**LEG. MONTANO:**

Is there a list for this •• I mean, is there a civil service exam already in existence for this position?

**MR. ZWIRN:**

I don't know. I don't know.

**LEG. MYSTAL:**

Vote.

**P.O. LINDSAY:**

Okay. Anyone else? No one else?

**LEG. MYSTAL:**

Vote.

**P.O. LINDSAY:**

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

***[OPPOSED SAID IN UNISON BY LEGISLATORS]***

**LEG. EDDINGTON:**

Abstain.

**LEG. MYSTAL:**

Roll call.

**LEG. EDDINGTON:**

Roll call.

**P.O. LINDSAY:**

Okay. Roll call. Do a roll call.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. D'AMARO:**

Yes.

**LEG. SCHNEIDERMAN:**

Can I make a motion to table this, so we can hear from the Commissioner?

**LEG. CARACAPPA:**

You just did.

**LEG. SCHNEIDERMAN:**

I'd like to make a motion to table this, so we can hear from the Commissioner of Public Works.

**P.O. LINDSAY:**

We have a motion to table this.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Do we have a second? Second by Legislator Romaine. Tabling takes precedent. Roll call.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. EDDINGTON:**

Yes to table.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. MYSTAL:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.



**LEG. COOPER:**

No.

**D.P.O. VILORIA•FISHER:**

No.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Ten.

**LEG. ALDEN:**

Nail•biter.

**P.O. LINDSAY:**

Tabled. Okay. 1025 we approved before. I.R. 1050 • Creating a Task Force to increase minority representation on the Suffolk County Police Force. Legislator Montano, what's your pleasure?

**LEG. MONTANO:**

Motion to approve.

**D.P.O. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría•Fisher. On the question. Anybody want to talk about it?

**LEG. LOSQUADRO:**

No.

**P.O. LINDSAY:**

No. Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

***I.R. 1067 • Adopting a Local Law to establish the Special Traffic Options Program for Driving While Intoxicated as a division within the Probation Department.*** Do I have a motion? Motion by Legislator Eddington. Do I have a second?

**LEG. MONTANO:**

I'll second it.

**P.O. LINDSAY:**

Second by Legislator Montano. Anybody on the question?

**D.P.O. VILORIA•FISHER:**

I think we had the public •• George, we already had the public hearing, didn't we?

**P.O. LINDSAY:**

1067.

**D.P.O. VILORIA•FISHER:**

1067?

**MR. NOLAN:**

Yeah, we had the public hearing.

**P.O. LINDSAY:**

We had it.

**MR. NOLAN:**

It wouldn't be on the agenda otherwise.

**P.O. LINDSAY:**

Okay. Nobody wants to speak on it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

***I.R. 1081 • Accepting and appropriating a grant in the amount of 186,000 from the New York State Division of Criminal Justice Services for Suffolk County Police Department of Bellport Task Force 2005 with 75% support.*** Do I have a motion?

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Alden. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

***I.R. 1095 • Accepting and appropriating a grant in the amount of 289,000 from New York State Division of Criminal Justice Services for the Suffolk County Police Department First Precinct Gang Task Force with 75% support.*** Do I have a motion?

**LEG. MYSTAL:**

Motion.

**LEG. HORSLEY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Horsley, second by Legislator Mystal. On the question? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

***1096 is accepting and appropriating a grant in the amount of \$65,800 from the State of New York ••***

**LEG. CARACAPPA:**

Motion.

**P.O. LINDSAY:**

**•• Governor's Traffic Safety Committee, to target speeding and aggressive driving with 84.5% support.** Motion?

**LEG. LOSQUADRO:**

Motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, second by Legislator Vilorio•Fisher. On the question?  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Moving right along. ***I.R. 1097 • Accepting and appropriating a grant in the amount of \$22,500 from the New York State Division of Criminal Justice Services, for the Suffolk County Police Department's Second Precinct Community Support Program with 75% support.*** Who wants to make the motion? Second Precinct.

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Stern, second by Legislator D'Amaro. On the question? Hearing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Okay. We have a bond, **1123A. *That has to do with appropriating funds in connection with the purchase of a prisoner transport bus (6th Precinct) (CP3175).***

**D.P.O. VILORIA•FISHER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría•Fisher.



**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro. Roll call.

**(Roll Called by Mr. Laube, Clerk)**

**D.P.O. VILORIA•FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Okay. Same motion, same second, same vote on the accompanying 1123. On ***1124A, the bond has to do with appropriating funds in connection with the purchase of an additional helicopter (CP3117).***

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, second by Legislator Romaine. On the question?  
Hearing none, we've got to take a roll call.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Same motion, same second, same vote on the accompanying resolution.

**LEG. EDDINGTON:**

Cosponsor.

**P.O. LINDSAY:**

I.R. 1140. Did you get the cosponsor on that?

**LEG. SCHNEIDERMAN:**

Cosponsor.



**LEG. EDDINGTON:**

Both of us.

**P.O. LINDSAY:**

Romaine and Schneiderman both want to cosponsor. ***I.R. 1140 • Establishing a Firearms Qualification Program for qualified retired law enforcement officers.*** Do I have a motion?

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington, second by ••

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Legislator Alden. On the question? Seeing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**PUBLIC WORKS AND PUBLIC TRANSPORTATION**

**P.O. LINDSAY:**

Moving to Public Works. ***I.R. 1028 • Implementing Leadership in Energy and Environment Design (LEED) Program for future County construction projects.***

**D.P.O. VILORIA•FISHER:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Okay. Motion by Legislator Viloría•Fisher, second by Legislator Losquadro. On the question? All in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**

Mr. Clerk, am I listed as a cosponsor that bill?

**MS. ORTIZ:**

No.

**MR. LAUBE:**

I have to check.

**LEG. SCHNEIDERMAN:**

Am I listed as a cosponsor? If not, I'd like to be.

**MR. LAUBE:**

No.

**LEG. SCHNEIDERMAN:**

I think I am, though.

**LEG. EDDINGTON:**

Cosponsor.

**LEG. LOSQUADRO:**

Cosponsor.

**P.O. LINDSAY:**

We have cosponsors, Romaine, Schneiderman, Losquadro, Montano. Any others?

**LEG. HORSLEY:**

Yeah, I'll go with it.

**P.O. LINDSAY:**

Horsley.

**LEG. STERN:**

Sure, I'll take it.

**P.O. LINDSAY:**

Stern, D'Amaro.

**LEG. COOPER:**

Oh, why not?

**LEG. MYSTAL:**

Oh, hell, all of us.

**P.O. LINDSAY:**

Cooper, \\_Mystel\\_.

**LEG. MYSTAL:**

There you go. Mystal, not \\_Mystel\\_.

**P.O. LINDSAY:**

You love those green builders, I know you.

**LEG. MYSTAL:**

I know, I love them to death. I wish they would die, but ••

**D.P.O. VILORIA•FISHER:**

Thank you.

**MR. LAUBE:**

Was that all 18?

**LEG. BROWNING:**

Ten, yeah. All of us?

**LEG. EDDINGTON:**

No.

**LEG. CARACAPPA:**

No.

**MR. LAUBE:**

No?

**P.O. LINDSAY:**

Yeah, put them all down.

**LEG. CARACAPPA:**

No.

**LEG. BROWNING:**

No. Anybody not want to cosponsor?

**LEG. BROWNING:**

He said no.

**MR. LAUBE:**

No? Okay. I just got the ones that were called.

**P.O. LINDSAY:**

All right. ***I.R. 1066 • A Charter Law authorizing the Department of Public Works to perform eminent domain functions.*** Do I have a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman. Do I have a second?

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second. Who was that?

**LEG. MONTANO:**

I'll second that.

**P.O. LINDSAY:**

Montano, okay. On the issue?

**LEG. ALDEN:**



Just a quick question.

**P.O. LINDSAY:**

Yes, Legislator Alden.

**LEG. ALDEN:**

I'm not on Public Works, but did they establish that it's going to be transfer of attorneys or is it going to be lay people doing this, or what was the •• how is this going to happen?

**P.O. LINDSAY:**

Chairman of Public Works, would you like to answer that?

**LEG. SCHNEIDERMAN:**

Perhaps Legislative Counsel would be better to answer, or somebody from the County Attorney's Office.

**MR. NOLAN:**

My understanding is it does not involve attorneys. I think it was transferring three or four people from DPW. That's my understanding, they're not attorneys.

**LEG. ALDEN:**

Eminent domain is pretty much procedural, but it's all black letter law, so is it going to be attorneys doing it or is it ••

**MR. NOLAN:**

This bill does transfer attorneys.

**LEG. ALDEN:**

Then who's doing the eminent domain?

**MS. LOLIS:**

It's not transferring attorneys at all. It's just taking the function that was in one department as it relates to the construction projects and moving that to DPW. Anything that involves legal work that needs to be done, our office does it.

**LEG. ALDEN:**

Okay I missed part of what you said. It involves the •• just the construction end of it?

**MS. LOLIS:**

This was the one I'm thinking of. Yeah, it's just •• they're only moving a portion of the eminent domain functions, as it relates to the highway projects, to DPW. Everything else remains the same.

**LEG. ALDEN:**

Okay. I'm sorry to be stuck on this, but Eminent Domain Procedure Law dictates, you know, like right from step one right through to the final judgment by the judge.

**MS. LOLIS:**

Right.

**LEG. ALDEN:**

Now what part of that is not going to be performed by attorneys?

**MR. SABATINO:**

If I could just interject, Mr. Chairman. Budgetarily, the unit that does that ••

**P.O. LINDSAY:**

Just to recognize Paul Sabatino, for the record, is now speaking.

**MR. SABATINO:**

I'm sorry, yeah.

**LEG. ALDEN:**

I recognized him.

**MR. SABATINO:**

Budgetarily, the positions that do that work, which is the right-of-way work and the appraisal work, were transferred into Public Works Department as part of the budgetary process. This now conforms again the County Code to give them the authority to perform those right-of-way, and appraisal, and survey, and preparation functions, distinguishable from the eminent domain that will be done for other kinds of acquisitions.

**LEG. ALDEN:**

I get it now.

**MR. SABATINO:**

Okay?

**LEG. ALDEN:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. Any other questions? Hearing none, we have a motion and a second on 1066.  
All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Roll call.

**P.O. LINDSAY:**

You want a roll call?

**LEG. ALDEN:**

Do it slow.

**P.O. LINDSAY:**

Okay. Roll call.

**(Roll Called by Mr. Laube, Clerk)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

(Not Present)

**LEG. LOSQUADRO:**

Yep.

**LEG. EDDINGTON:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Aye.

**LEG. NOWICK:**

Yes.

**P.O. LINDSAY:**

See if he's in the hallway, Bob, coming down the hall. There he goes. Okay.

**LEG. CARACAPPA:**

Yes. Thank you.

**LEG. HORSLEY:**

Yes on Joe, yes on me.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yep.

**D.P.O. VILORIA•FISHER:**

Yes.

**P.O. LINDSAY:**

Yes.



**MR. LAUBE:**

18.

**P.O. LINDSAY:**

Okay. Moving along. We have a bond, ***1073, and it has to do with a motion amending the 2005 Capital Budget and Program and appropriating \$100,000 in funds for a sound wall study at County Road 97 Nicoll's Road between Montauk Highway and Furrows Road (CP 5114).***

**LEG. ALDEN:**

Motion to table subject to call.

**P.O. LINDSAY:**

Aw.

**LEG. KENNEDY:**

Second.

**LEG. CARACAPPA:**

On behalf of the County Executive.

**LEG. SCHNEIDERMAN:**

I couldn't hear because of ●●

**LEG. ALDEN:**

I withdraw that.

**LEG. SCHNEIDERMAN:**

I couldn't hear you because of the sound wall.

**P.O. LINDSAY:**

I want you to know, in his speech last Monday, the County Executive announced that he's going to veto this before it got out of committee. I don't know how you do that.

**LEG. CARACAPPA:**

Second.

**P.O. LINDSAY:**

Anybody want to speak on this? Roll call.

**MR. LAUBE:**

You need a motion. Motion?

**P.O. LINDSAY:**

I made the motion.

**MR. LAUBE:**

Okay.

**P.O. LINDSAY:**

I made the motion. I'm sorry.

**LEG. ALDEN:**

I'll second it.

**(Roll Called by Mr. Laube, Clerk)**

**P.O. LINDSAY:**

Yes. Did you want to speak.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

I've got to give you 30 seconds.

**LEG. EDDINGTON:**

Yes for Legislator Lindsay.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes. Go, Bill.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. BARRAGA:**

Yes.

**D.P.O. VILORIA•FISHER:**

It's a yes or no question.

**LEG. KENNEDY:**

It's got to be more than one word. I said it in committee.

**LEG. CARACAPPA:**

You can't do it during roll call.

**D.P.O. VILORIA•FISHER:**

You can't do that, we're in the middle of a roll call.

**LEG. ALDEN:**

You can't.

**LEG. KENNEDY:**

Then I've got to abstain.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. VILORIA•FISHER:**

Yes.

**MR. LAUBE:**

17.

**LEG. CARACAPPA:**

If that wall goes up before County Road 83 ••

**LEG. SCHNEIDERMAN:**

It's got to be a LEEDs compatible sound wall, though.

**P.O. LINDSAY:**

Okay. We have the accompanying resolutions. Same motion, same second, same vote. And I'm going to recognize Legislator Kennedy, because I didn't see him before, before we started the roll call.

**LEG. KENNEDY:**

Mr. Chair, you know, the hour's late, people have heard me go on and on and on about this. Really, I think the only other person who can add anything to this may be in the lobby or in the next room and that would be Chief Deputy County Executive Sabatino. If you can get this thing signed into the form of an actual study, my hat's off to you, but I don't think I'm going to hold my breath.

**P.O. LINDSAY:**

For Christmas I got a decibel machine, so I think I'm probably going to be out there doing it myself.

**LEG. KENNEDY:**



Well, perhaps you'll have a berm. That's what the County Executive seems to favor.

**P.O. LINDSAY:**

Okay, moving along. ***I.R. 1085 • A resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 22 • Hauppauge (Municipal) (CP 8171).*** Do I have a motion?

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. On the question? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17. (Vote Amended to 18)

**P.O. LINDSAY:**

***I.R. 1086 • A resolution making certain findings and determinations in relation to a proposed improvements of facilities for Sewer District No. 7 • Medford (CP 8150).***

Do I have a motion? Motion by Legislator Eddington. Do I have a second?

**LEG. CARACAPPA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Caracappa. On the motion, anybody want to talk? No. Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

***I.R. 1089 • Authorizing execution of agreement by the administrative head of the***

***Suffolk County Sewer District Number 3 • Southwest with the owner of Tilles Corporate Center East (HU•0999).*** Do I have a motion?

**LEG. HORSLEY:**

I'll make the motion.

**P.O. LINDSAY:**

Motion by Legislator Horsley, second by Legislator Mystal. On the question?

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

Yes, Legislator Alden.

**LEG. ALDEN:**

How many gallons does this authorize. How much?

**MR. NOLAN:**

Thirty•three thousand.

**LEG. ALDEN:**

Thirty•three thousand? Actually, I thought Number 3 was maxed out, unless they did an expansion of the sewer district, so ••

**LEG. HORSLEY:**

No. Currently, it's 5,000 •• 5 million more gallons.

**LEG. ALDEN:**

No. Actually, you're into the emergency reserve with the last 15 resolutions that we passed authorizing it, so ••

**LEG. HORSLEY:**

I was told that we're nearing the end.

**LEG. ALDEN:**

No, we were at the end a couple of years ago, but all right.

**LEG. HORSLEY:**

That's what I was told by the Commissioner.

**P.O. LINDSAY:**

Okay. Anybody else want to speak? If not, we have a motion and a second. All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

Abstentions? One opposition, Legislator Alden •• two oppositions, Legislator Mystal. Any others? Okay.

**MR. LAUBE:**

16.

**P.O. LINDSAY:**

***I.R. 1126 • To approve the lease four (4) replacement vehicles, Suffolk County Department of Labor, in compliance with Local Law 20•2003.*** Do I have a motion?

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning. Do I have a second?

**D.P.O. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

There's a second.

**LEG. LOSQUADRO:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

I just want to clarify that this is for the replacement, if I saw the resolution, if I recall, of

vans.

**D.P.O. VILORIA•FISHER:**

Yes.

**LEG. LOSQUADRO:**

This is not for replacement of any sedans, because, to my knowledge, no further information has been forthcoming based on the discussions that we started two years ago as to settle standards on fuel economies that anyone in the Department of Public Works and the Department of Labor is looking for. So I think this is a discussion that needs to be taken up additionally, but this is for vans, so I just wanted to clarify that.

**P.O. LINDSAY:**

In the audience there is some Department Officials from Labor, if you'd like to ask them. No?

**LEG. LOSQUADRO:**

No, this is for vans.

**P.O. LINDSAY:**

Okay. Thank you. Thank you.

**LEG. LOSQUADRO:**

Thank you.

**P.O. LINDSAY:**

Okay. We have a motion and a second. All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

Abstentions? One opposed, Legislator Alden.

**MR. LAUBE:**

16. (Vote Amended to 17)

**P.O. LINDSAY:**

Does Legislator Mystal want to cast his vote on that? Oh, you called the vote already.

**LEG. ALDEN:**



He was half in the room.

### **VETERANS AND SENIORS**

**P.O. LINDSAY:**

***I.R. 1133 • Approving the appointment of Christine Shiebler as a member of the Senior Citizens Advisory Board.*** Do I have a motion? Legislator Stern makes the motion, I'll second that. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

17. (Vote Amended to 18)

### **WAYS AND MEANS**

**P.O. LINDSAY:**

Ways and Means. ***I.R. 1017 • Sale of County-owned real estate pursuant to Local Law 13•1976, Izydore Gottlieb and Anna Gottlieb, his wife.*** Do I have a motion?

**LEG. COOPER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

**D.P.O. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría•Fisher. On the question.

**LEG. ALDEN:**

Real quickly.

**P.O. LINDSAY:**

Yes, Legislator Alden.

**LEG. ALDEN:**

They established this as of right in the committee.

**LEG. MONTANO:**

No, this is adjacent property.

**MR. NOLAN:**

Local Law 13, adjacent property.

**LEG. ALDEN:**

Oh, adjacent property.

**P.O. LINDSAY:**

Any other questions? Okay. All in favor? Opposed? Abstentions?

**LEG. MONTANO:**

Abstention.

**P.O. LINDSAY:**

One abstention, Legislator Montano.

**MR. LAUBE:**

16. (Vote Amended to 17)

**P.O. LINDSAY:**

***I.R. 1053 • A Local Law to facilitate the recording of deeds conveyed from the County to redeeming applicant/owners.***

**D.P.O. VILORIA•FISHER:**

Explanation.

**P.O. LINDSAY:**

Okay. Do ••

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano. Do I have a second before we start discussion?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga? Did you make the?

**LEG. BARRAGA:**

No.

**P.O. LINDSAY:**

No. Who made the ••

**D.P.O. VILORIA•FISHER:**

Cooper.

**P.O. LINDSAY:**

Oh, Cooper. I'm sorry. Okay. On the question, Legislator Alden or Montano, who had the question.

**D.P.O. VILORIA•FISHER:**

I did.

**P.O. LINDSAY:**

Oh, I'm sorry, Vilorina Fisher.

**D.P.O. VILORIA•FISHER:**

Explanation by Counsel.

**P.O. LINDSAY:**

I'm sorry.

**MR. NOLAN:**

This Local Law is related to the redemption process, and it would allow the Division of Real Estate to require the payment of fees and the execution of documents necessary to record the deeds. In other words, gives the Division of Real Estate the authority to record the deeds when they convey property to the people who are redeeming property.

**D.P.O. VILORIA•FISHER:**

And how was it done previously?

**MR. NOLAN:**

I'm sorry?

**D.P.O. VILORIA•FISHER:**

Ho was it done previously?

**MR. NOLAN:**

Well, it was left up •• it was not done by the County. And I believe the reason this law's been introduced is because there are a number of deeds that were never recorded, and that is creating some type of problems, which this bill is trying to address.

**D.P.O. VILORIA•FISHER:**

Okay. Thank you.

**LEG. KENNEDY:**

Mr. Chair.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. I would just like to restate some of the concerns that I raised in committee. We did hear about a number of unrecorded deeds. I believe that the Director of Real Property talked about approximately 700 from back in the early '80's. This bill will do nothing to go ahead and remedy that. And what we are doing as an entity is taking on a responsibility or a reliability that, in my opinion, and I've talked at length with Counsel about this, really obligates us where this happens no other place as far as the recording of land record instruments. In my opinion, it will put the County in jeopardy if, in fact, there's any kind of a lack of completion of the recording function. And Attorney General's opinions do speak very straightforwardly about the lack of authority under Municipal Home Rule Law as far as any kind of legislation in this are. So I'll oppose the bill again as I had in committee.

**P.O. LINDSAY:**

Anyone else?

**LEG. EDDINGTON:**

Yes, Mr. Chairman.

**D.P.O. VILORIA•FISHER:**

Yeah, I'm sorry. It's just made me more confused.



**P.O. LINDSAY:**

Legislator Viloria•Fisher, and then Romaine.

**D.P.O. VILORIA•FISHER:**

Okay. I'm sorry, Counsel, but I just became more confused about this. When •• previous to this, who was recording the deeds? Right now, who is recording the deeds?

**MR. NOLAN:**

The person we're conveying the deed to would normally ••

**D.P.O. VILORIA•FISHER:**

The individual ••

**MR. NOLAN:**

Yes.

**D.P.O. VILORIA•FISHER:**

•• records his own deed.

**MR. NOLAN:**

Generally.

**D.P.O. VILORIA•FISHER:**

His or her own deed, the person who's making the acquisition. How does our recording the deed increase our •• is it liability or exposure, is that •• maybe I should be asking Legislator Kennedy, because he's the one who's asserting this.

**P.O. LINDSAY:**

Go ahead.

**D.P.O. VILORIA•FISHER:**

I'm confused by ••

**LEG. KENNEDY:**

What it is, it is an assumption of a risk, if you will, where, at this point, the County has fulfilled its obligation under the Tax Act and has completed all of the statutory obligations by executing the quit claim. They release their interest. The individual then, just like any individual here in Suffolk County who's a property owner or who engages in real estate transactions, can avail themselves of protections in the recording statutes. By codifying this, we are now taking on this additional responsibility, and thereby meaning we must in every case go ahead and complete it accurately and 100%. And if we don't, and there is some kind of a diminishment of the individual's rights somehow, we're strictly liable.

**D.P.O. VILORIA•FISHER:**

It looks like Ms. LaValle was coming up. What is our advantage in doing this. Penny, could •• through the Chair, if I may.

**LEG. MYSTAL:**

We have no insurance, don't hurt yourself.

**MS. LAVALLE:**

Speaking of liabilities. I just want to clarify something. On the bill, the understanding is that there is an affidavit signed by the redeeming applicant, the owner, stating that the owner accepts the deed tendered by the County, has no objection to the delivery of the deed to Suffolk County Clerk for recording on the applicant's behalf for the Division of Real Estate to record it. So they have them sign to authorize the Division of Real Estate to record it. I don't know how that affects the liability. John?

**LEG. KENNEDY:**

I guess what I would ask is this is not permissive. In other words, if the only way that the individual can obtain the quit claim back from the County is to execute an affidavit if they consent, that's not consent. Again, I raised these objections in committee, Mr. Chair. I don't want to have, you know, a protracted disagreement either with, you know, Legislative Counsel, along with County Attorney's Office. I operate from what I did for eight years out in County Clerk's Office. At no time did we ever go beyond what the clear black letter authority was under State statute. That's the only reason I raise the issues.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. EDDINGTON:**

I would only echo what Legislator Kennedy said. He was our official Examiner of Title for eight years. He knows this. I've been a County Clerk prior to this job for 16 years, the longest serving in Suffolk County. I know of no other municipality that does this.

I understand what Mrs. LaValle is suggesting and why she's supporting this bill. Her intentions are good, but I believe it adds to the liability of the County, because now we have to record the deed on behalf of someone else. If there's a screw•up, we're liable. The other problem is we are now saying, "If you want your property back, the fact that you've paid your money and you've redeemed it is not enough. We now compel you to assign us the job of recording your deed for you." And for me, I'm a little leery of that for a lot of different reasons, which Mr. Kennedy is fully aware of.

**LEG. ALDEN:**

I just have a quick ••

**P.O. LINDSAY:**

Legislator Montano. I got you, Cameron.

**D.P.O. VILORIA•FISHER:**

Aren't you a cosponsor?

**LEG. EDDINGTON:**

Oh, no.

**D.P.O. VILORIA•FISHER:**

That's what it says on my copy. I'm sorry.

**LEG. EDDINGTON:**

I don't know how I got listed, because I objected in committee as well.

**MR. LAUBE:**

We'll be sure to remove that.

**LEG. MONTANO:**

I'd like to get to the vote on this, but I've done a lot of closings. This is a redemption. The process is the person falls behind in taxes, the County takes a deed, the person comes in, pays the backtaxes, the interest, the penalties, and gets a quit claim deed from the County back to the person. The individual, the homeowner is supposed to record it. There are instances where they're not recorded. My concern is that if there's a judgment

creditor out there who wants to file a lien against the property of the individual and there's no deed recorded, then, in fact, it would not •• the judgment wouldn't catch up with the deed; am I correct in that?

**MS. LAVALLE:**

Correct. It would •• our ownership would reflect Suffolk County. I'd just like to make two points. As I •• perhaps you're interpreting the legislation to go a step beyond of its intent, and the intent was for this individual •• to assist this individual, actually, and notifying by recording, we are a notice county, that they own this property. They are giving the County the authority to do that, the County is not demanding. As I read before, they're •• the County is accepting an affidavit. If they so choose not to have the County record that, I believe that that is their option, we're not forcing them, John. And the other point is, along with Legislator Montano's point, that if this individual does not take the deed to the Assessors Office that they did not record to change the title, to change the address, the Tax Receiver sends the bill to the County and the whole process begins again. Then that individual is late in payment, and generally they are the most vulnerable individuals in the County.

**LEG. MONTANO:**

I just want to add one last point. The recording •• what we're doing with this bill is we're requiring the person that's redeeming the landowner to pay, in addition to the interest, penalty and backtaxes, a fee.

**MS. LAVALLE:**

A recording fee.

**MR. MONTANO:**

A recording fee.

**MS. LAVALLE:**

The same recording fee as everyone else.

**MR. MONTANO:**

And isn't it just a ministerial act ••

**MS. LAVALLE:**

Yes, it is.

**MR. MONTANO:**

•• to record the deed?

**MS. LAVALLE:**

Right. If they so choose not to at that point authorize the County, then that is indeed their option.

**LEG. D'AMARO:**

Could I ••

**MS. LAVALLE:**

Yes, sir.

**P.O. LINDSAY:**

Legislator Alden, you want to get on the list?

**LEG. ALDEN:**

I'll yield to Kennedy, if they've got something quick.

**P.O. LINDSAY:**

Well, we have two more, so you might as well go.

**LEG. ALDEN:**

Oh, okay. I just •• I think we're on the right track in trying to help people, because we do have a little bit of a problem in this regard. But, from my experience, doing closings, and I did them for a number of years at Islip, which is over like •• actually, it's in the thousands, I think we're actually taking on the role of attorney for the purchaser in this case, and also something similar to what a title company would go and do as far as making sure of title and guarantee that it be recorded. So I feel uncomfortable, and I do



feel that we are opening up the County to some liability in there somewhere, and that's why I'm not going to support this.

**MS. LAVALLE:**

Well, actually, the Division of Real Estate does give them a quit claim, and that is just, as you know, just what their interest is. And it's a process I believe to help that individual in the long run.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

I may be misreading the resolution, but I see nothing in here that makes this process permissive. I guess I would ask Counsel, Legislative Counsel.

**MR. NOLAN:**

It makes •• the law says that the County's interest cannot be released until they make the payment of, you know, the backtax and so forth, but they also have to do this. They have to give us the money to record the deed and ••

**LEG. KENNEDY:**

So it is mandatory.

**MR. NOLAN:**

Essentially, yes, it is.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. You know, I just •• my thoughts on this bill, which I do favor, you know, the way I see it, that I agree with Legislator Kennedy, that there is always a risk, and as Legislator Romaine said, there's always a risk of something going awry, and a deed not being recorded by the responsible party, but I think we're serving a vital public interest here in making sure that redemption deeds are properly and timely recorded. And I think there's a very vital public interest and it should be our public policy to make sure that that gets done for reasons expressed, for instance, by Legislator Montano, where you have judgment creditors now automatically getting liens on property that are not in the proper owner's name. So, although I agree there may be some small risk in performing the ministerial act of recording a deed, I think that the intent of this law goes to the public interest, that's extremely important here that we maintain an orderly record of ownership, of properties, especially in the case of redemption. And I think if that helps the County to administer everything from the tax rolls to judgments and liens, I think that the interest here or the risk here is far outweighed by the benefit that this bill would create.

**P.O. LINDSAY:**

Okay.

**MS. LAVALLE:**

Thank you.

**P.O. LINDSAY:**

Anybody else? No? All right.

**MS. LAVALLE:**

Thank you.

**P.O. LINDSAY:**

We have a motion and a second on I.R. 1053. All in favor? Opposed? Abstentions?

***[OPPOSED SAID IN UNISON BY LEGISLATORS]***

Opposed, Legislator Alden, Legislator Romaine, Legislator Barraga, Legislator Kennedy.  
Any abstention? No abstentions.

**LEG. NOWICK:**

Abstain.

**MR. LAUBE:**

Abstain or ••

**LEG. NOWICK:**

Abstain.

**MR. LAUBE:**

13.

**P.O. LINDSAY:**

***I.R. 1063 • A Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works.***

**LEG. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. On the issue.

**LEG. MYSTAL:**

No discussion, let's vote.

**P.O. LINDSAY:**

Okay. Seeing no one, all in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

Abstentions? Opposed, Legislator Alden.

**LEG. ALDEN:**

Good luck in getting your printing done, folks.

**LEG. NOWICK:**

Opposed.

**P.O. LINDSAY:**

Opposed, Legislator Nowick.

**LEG. ALDEN:**

Good luck.

**P.O. LINDSAY:**

Any abstentions? No abstentions, call the vote.

**MR. LAUBE:**

16.

**P.O. LINDSAY:**

***I.R. 1064 • A Charter Law creating a County Department of Information Technology.*** I'll make the motion on this myself. Any ••

**LEG. MYSTAL:**

Second.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Mystal.

**LEG. MYSTAL:**

No discussion, let's go.

**P.O. LINDSAY:**

On the question, Legislator Alden.

**LEG. ALDEN:**

Is this revenue neutral •• not revenue neutral, but cost neutral?

**P.O. LINDSAY:**

Why don't we ask Budget Review?

**MS. VIZZINI:**

The budget is set up to accommodate the new department, and during the Operating Budget, there was, you know, the creation of two new positions, a commissioner and a secretary, at a cost of about \$130,000, but it is in the 2006 Operating Budget.

**LEG. ALDEN:**

Right. But that's for two positions ••

**MS. VIZZINI:**

Correct.



**LEG. ALDEN:**

•• or is that every position that's in there?

**MS. VIZZINI:**

No, that's for the two new positions.

**LEG. ALDEN:**

And we're transferring positions from other departments into this?

**MS. VIZZINI:**

All of IS is being •• was transferred from Civil Service, a position from Planning, the GIS position, and all of Telecommunications will constitute the new department.

**LEG. ALDEN:**

So the main thing that we did here was create another commissioner and deputy commissioner?

**MS. VIZZINI:**

Well, it's a new department, it does have a commissioner, and the Charter Law allows for the creation of a deputy.

**LEG. ALDEN:**

Okay. But it didn't have a commissioner, there's a new •• right, that we created in the ••

**MS. VIZZINI:**

Correct.

**LEG. ALDEN:**

We budgeted for and now we're going to create the position of commissioner, right?

**MS. VIZZINI:**

Well, the position of commissioner is created in the Operating Budget.

**LEG. ALDEN:**

Okay.

**MS. VIZZINI:**

This will authorize the department.

**LEG. ALDEN:**

Okay.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. EDDINGTON:**

Very quick. I support the department. County Executive should have the ability to organize the government within his view. However, we do not have, and I'm just going to go very quickly, we do not have enough network bandwidth. It's far too small for digital images in this County, and it's not even efficient enough for our telephone system. We have our IT infrastructure controlled and managed by Verizon and others and that's wrong. The County should manage its own infrastructure and not depend on outside vendors. We need a single point of access for the public to access all forms, datas, and information requests. We do not have that. And I'm saying this to our Ways and Means Committee Chairman, because I hope during the year this can be taken up. We have an outdated architecture. We depend mostly on a main frame architecture and Legacy computer systems that need to be retired. That needs to be discussed. And there's a whole host of other things which I'll save for the committee. But the committee should take a look at this, because, essentially, our IT structure, our IT infrastructure is so far behind other counties and is not keeping pace with the pace of technology, and have major weaknesses that I'm sure the Commissioner is aware of and will address. But I will support this department. Thank you very much.

**P.O. LINDSAY:**

Okay. Anyone else want to comment?

**LEG. MYSTAL:**

Romaine for President.

**MR. ZWIRN:**

All I would say ••

**P.O. LINDSAY:**

I'm going to recognize Mr. Zwirn.

**MR. ZWIRN:**

I would just like to say that the person that the County Executive would be naming and bringing before, if this bill is approved, is Sharon Cates•Williams, and she is already on board, she is already on the payroll, she's already working for the County, and she's here today.

**P.O. LINDSAY:**

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

**LEG. EDDINGTON:**

I believe I'm listed as a cosponsor.

**MR. LAUBE:**

You will be.

**P.O. LINDSAY:**

Do you have that, Mr. Laube?

**MR. LAUBE:**

Yep.

**P.O. LINDSAY:**

I.R. 1122 we did before. ***I.R. 1141 • Authorizing the acceptance of an assignment of lease premises located at 45 West Suffolk Avenue, Central Islip, New York, for the use by the Department of Health Services.*** Do I have a motion?

**LEG. MONTANO:**

Motion.

**LEG. MYSTAL:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Montano, second by Legislator Mystal. Any discussion? All in favor? Opposed? Abstentions?

**LEG. MYSTAL:**

All right. CN's.

**P.O. LINDSAY:**

Don't go anywhere.

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

We have one CN. Did you call the vote on 11 •• did you call the vote?

**MR. LAUBE:**

Yes.

**P.O. LINDSAY:**

Yep, okay. One CN in the red folder. ***(1246) Approving the appointment of a relative of County employee at Suffolk County Community College.***

**D.P.O. VILORIA•FISHER:**

Uh•Oh.

**P.O. LINDSAY:**

Carmelo Vizzini, and Gail has to recuse herself. No. I will make the motion.

**D.P.O. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Vilorina•Fisher. Any discussion?

**LEG. STERN:**

Question.

**P.O. LINDSAY:**

Question, yes.

**LEG. STERN:**

What is he going to teach?

**LEG. MYSTAL:**

Budget.

**MS. VIZZINI:**

Economics. But the more important thing is it gets him out of the house on Thursday nights and I get the remote.

**P.O. LINDSAY:**

Okay. I've got to do •• I know, I know, I know. All right.



**LEG. NOWICK:**

We got more?

**P.O. LINDSAY:**

Yeah. We have 1068 that was aging for more than an hour, probably as long as cheese.

**MR. LAUBE:**

Hold the vote for •• you've got to hold the vote yet for 1246.

**P.O. LINDSAY:**

Oh, I'm sorry. I'm sorry, I didn't mean that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

18.

**P.O. LINDSAY:**

On the late•starter. Okay. I didn't realize I didn't call that. Okay. **1068**, which is the Environment Department, right?

**D.P.O. VILORIA•FISHER:**

But it's not under Environment, it's under Pubic Hearing.

**P.O. LINDSAY:**

Okay.

**D.P.O. VILORIA•FISHER:**

You know, on the agenda.

**P.O. LINDSAY:**

Okay. I will make a motion. Do I have a second?

**D.P.O. VILORIA•FISHER:**

Second.

**P.O. LINDSAY:**

Okay. Any discussion?

**LEG. ALDEN:**

1068? Yes.

**P.O. LINDSAY:**

Go ahead, Legislator Alden.

**LEG. ALDEN:**

Okay. Just to reiterate what I said before about when we did the budget for this, I have a major problem with •• right in the intent, it goes the purpose of this law, and it's on Page 2. I'll skip down a couple of paragraphs. "To establish an Office of Cancer Awareness and environmental assessment within this department to coordinate efforts to find the causes of cancer on Long Island." That's improper to have nonmedical •• nonmedical scientific type of people doing that, and I feel very, very uneasy. But I've had conversations with the County Executive. I plan to support the creation, because most of this is form. But I would hope that other Legislators would take a serious look at this with me at a later date, because I don't think that's the right place for that type of activity to be occurring. I think we need trained professionals, I think we need medical professionals to establish causes of cancer.

And then the other one, and I hope that fellow Legislators will join me in this, in making a statement, that all purchases in the future will not be predicated on environmental factors. I think we still need •• we need property purchased for recreation purposes, for development of businesses, for workforce housing. And by transferring the Department of Real Estate out of the Planning Department and putting it in Environment, I think that we could be construed as making a statement that that's going to be the criteria where we evaluate the purchases, and I think that that's the wrong message to send to the people in of County. So I don't think those are fatal flaws, and I brought them up to the County Executive. He's agreed to look seriously at that, and I think that we should look very seriously at that in the future also.

**P.O. LINDSAY:**

Anyone else? Yes, Legislator Romaine.

**LEG. EDDINGTON:**

Very quickly. I agree with Cameron, and that's why I've introduced a resolution that, hopefully, will come to a vote I guess in March or April that will allow us to transfer the Cancer Awareness back to the Health Department. So with that proviso, in that I'm planning to do that, I will support this resolution.

**P.O. LINDSAY:**

Okay. We have a motion and a second. All in favor? Opposed?

***[OPPOSED SAID IN UNISON BY LEGISLATORS]***

Opposed. Opposed, Legislator Kennedy, Legislator Barraga, Legislator Caracappa. Any abstentions?

**LEG. SCHNEIDERMAN:**

Tim, I'll go down as a cosponsor, please.

**MR. LAUBE:**

15. I got you, Jay.

**LEG. EDDINGTON:**

Cosponsor.

**LEG. MYSTAL:**

Co.

**P.O. LINDSAY:**

We have the following late•starters: I.R. 1243 is assigned to Budget and Finance, 1244 to Public Works, 1245 to Ways and Means, 1247 to Consumer Protection. That means you've got to have a meeting, Cameron. Memorializing Resolution Number 7, Vets and Seniors; Memorializing Resolution Number 8, Labor, Workforce and Affordable Housing. And that's it.

**LEG. MYSTAL:**

Motion to adjourn.

**P.O. LINDSAY:**

We need a motion. No, we need a motion.

**LEG. MONTANO:**

Motion to adjourn.

**P.O. LINDSAY:**

Which one? Now we need a motion. We need a motion to ••

**LEG. ALDEN:**

To waive the rules. You've got to waive the rules.

**P.O. LINDSAY:**

To waive the rules and to lay these on the table.

**LEG. MYSTAL:**

So moved.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Okay. We also need •• we need a public hearing. We're setting a public hearing on 1247 for March 14th at 5:30 in Riverhead.

**LEG. MYSTAL:**

We're going to Riverhead?

**P.O. LINDSAY:**

That's where we are next time, and it's a night meeting. Okay.

**LEG. SCHNEIDERMAN:**

What time does it start? 4:30. Public portion is 4:30?

**P.O. LINDSAY:**

We need to take the vote on the late•starters.

**LEG. SCHNEIDERMAN:**

Yes?

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

I counted Joe. That's 18.

**P.O. LINDSAY:**

Okay. I'll take a motion to adjourn.

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

Motion to adjourn.

***[THE MEETING WAS ADJOURNED AT 6:06 P.M.]***

***\\_ \\_ Indicates Spelled Phonetically***